

Appeal Decision

Site visit made on 15 March 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/L1765/D/22/3309956

Tangledown, Lower Chase Road, Waltham Chase, Southampton SO32 2LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Jones against the decision of Winchester City Council.
 - The application, Ref. 21/03006/HOU, dated was refused by notice dated 9 August 2022.
 - The development proposed is the creation of a new access onto Lower Chase Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed access on highway and pedestrian safety.

Reasons

3. The appeal scheme is to replace the existing access to Tangledown from Evelyn Close with an access from Lower Chase Road, a classified highway. This is because in the appellant's view the present access is a hazard as regards reversing out from the house over a pavement and in close proximity to the junction with Lower Chase Road.
 4. However, I share the Highway Authority's view that there appears to be some potential to create a turning area within the site to enable a vehicle to both enter and leave the property at the existing point of access in a forward gear. In addition, if the appellant is correct that cars park in Evelyn Close outside his house and restrict his view of cars turning into the Close & vice versa, it would be reasonable to anticipate that the Highway Authority would be amenable to imposing parking restrictions on this part of the Close if in their view there is a significant hazard.
 5. Until such time that it has been demonstrated that further on-site turning facilities and parking controls are neither feasible nor appropriate, the argument for the new access on to Lower Chase Road would appear somewhat premature. This is especially since the access would be a new opening to a classified road and in a position where, in the absence of a pavement, pedestrians walk in the road. The appellant also says there are also horse riders and farm vehicles to watch out for along this part of the road and this increases the potential hazard of any new access.
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6. Be that as it may, the appeal scheme has been formally proposed through the planning application and although I share the Highway Authority's reservations as to it comprising a betterment of the existing situation, an assessment as to whether it meets current safety standards is the main consideration in this appeal. In this regard, following a number of revisions of the access details, Drawing No. MJ01-1001-C has been submitted as being an appropriate and safe.
7. Whilst this plan shows a substantial area of resin bonded permeable paving alongside the house for the purpose of manoeuvring a vehicle (presumably the area that would comprise or include the *'47sqm space for a turning circle'* referred to in the appeal statement as facilitating departure in a forward gear), it does not demonstrate the swept path turning area necessary to turn a car round with the minimum of fuss. Without this, it could be that the extent of manoeuvring required to exit in a forward gear would be such as to make the reversal of the vehicle into the road a more convenient and preferred option.
8. A further shortfall in the submitted plan is that the western visibility splay is drawn to the opposite side of the carriageway in order to just miss the trunk of the large oak tree that appears to be positioned on highway land. And as the Highway Authority points out, if the 45m splay is drawn correctly to the nearside channel line, the tree would be shown as being in the centre of the splay and therefore a significant obstruction to the sightline.
9. Accordingly, the submitted plan does not show the required visibility to the west and it cannot be concluded that this would be a safe access, even if it were to be assumed that the additional potential conflict with the use of this side of the road by pedestrians would be acceptable. Furthermore, the tree provides considerable amenity and if in fact on highway land the County Council has indicated that it would be unwilling to agree to its removal or indeed permit the construction of a dropped kerb within the root protection zone.
10. The grounds of appeal refer to an alleged inconsistency by the Highway Authority in supporting a new access for HVGs to an industrial site on the opposite side of the road. However, the Highway Authority's correspondence on the planning application in that case indicates that the required visibility splays can be constructed. And whilst I have not been given the full information on that application, it may well be that there is no alternative access point available, whereas in this appeal there is the existing access from Evelyn Close.
11. Overall, on the main issue I conclude that on the evidence before me in the appeal it has not been demonstrated that the proposed access can be constructed without a significantly adverse effect on highway and pedestrian safety. The proposal would therefore be in harmful conflict with Policy DM18: 'Access and Parking' of the Winchester District Local Plan Part 2 2017 and with Government policy in Section 9: 'Promoting Sustainable Transport' of the National Planning Policy Framework 2021.
12. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR