

Appeal Decision

Site visit made on 28 June 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/P2114/W/22/3309348

Old Village Inn, 61 High Street, Bembridge, Isle of Wight, PO35 5SF

- 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 Jay Chapman against the decision of the Isle of Wight Council.
 - The application Ref 22/01349/FUL, dated 28 July 2022, was refused by notice dated 26 September 2022.
 - The development proposed is an electric car charger.
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Decision

1. The appeal is allowed and planning permission is granted for an electric car charger at Old Village Inn, 61 High Street, Bembridge, Isle of Wight, PO35 5SF in accordance with the terms of the application Ref 22/01349/FUL, dated 28 July 2022.

Preliminary Matter

2. The development is in place; this does not alter my approach to determining the merits of the proposal.

Main Issues

3. The main issues are the effect of the proposal on the safety of highway users and the visual appearance of the host property.

Reasons

4. The appeal property is a detached historic inn in the tight centre of Bembridge. It has attractive elevations with interesting architectural detailing and bay windows. Various signs, lights and floral displays are in evidence. There is a slender strip of tarmac in front of the building and then a low kerb line alongside which public parking is allowed on this narrow road. The host building is not listed, it lies within the Bembridge Conservation Area. The charger is around the size of protruding meter box with fixed cabling below and a flexible cable wrapped around the box or leading to a closely parked car via a ground based anti-trip type raised duct. The device could charge either cars on the road or one parked round the corner in the adjoining small driveway.

Safety of highway users

5. The Council's concern is that pedestrians will trip on the cable as it reaches across to any car parked on the road which is using the charging system.
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6. However, I am convinced from the layout of the immediate locality and my observation of pedestrian behaviour that as a rule people do not walk along this strip of land in front of the Inn. It is simply too narrow, too cluttered with signs and plants and bay projections, and does not lead to any form of footway in a southerly direction. At this part of the highway, I saw people ranging from pram-pushers to the more elderly simply walking on the road. A few did use the truncated pavement opposite but heading south even on this one must go on the road where it runs out. Interestingly all the vehicles I observed respected the road walkers throughout the central area; it is a fact of life in a tight historic environment, and generally pedestrians and motorists proceed with caution.
7. I am thus not convinced that very many people at all will walk alongside the charger. Nevertheless, if they do pedestrians will have to navigate a small rubber mound covering the cable running along the ground to the kerb, between wall and car. My sense is that to refuse a scheme in this situation because this is deemed a trip hazard is heavy handed. It is less than usual kerb height, has sloping sides, has bright yellow finishing, and is well weighted down on the tarmac. I would be very surprised if a sighted person even of limited mobility would, if they happen to find themselves in this tight space, find it difficult to negotiate. A sight-restricted person, depending on their means of getting around and acquiring terrain signals, could conceivably come across it as a surprise but I really would query whether anyone of this disposition would navigate along this narrow awkward pub frontage tightly hemmed-in at many times by parked cars.
8. One can never be sure of every eventuality but in summary I feel that the Council has over-played the hazard card and that the scheme as it stands is a reasonable proposition in safety terms. It would offer a very convenient charging service for extremely proximate on-street or in-drive vehicles regardless of their ownership without any appreciable harm or risk to the wider public.
9. Policy DM2 of the Island Plan Core Strategy (CS) is relevant. Amongst other matters, this seeks to ensure a safe built environment. I conclude that the proposal would not conflict with this policy.

Visual appearance of the host property

10. As noted above, the site lies in a Conservation Area. Whilst the Planning Officer's Report (POR) and the Council's Decision Notice does not focus on this there is nevertheless a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. The Council's case appears to be that the front elevation of the building and to a degree the streetscene would suffer aesthetically. This is stated as being not particularly from the charging box but the cables, required to connect a vehicle to it, which are hung over the casing in what is deemed to be a very untidy manner.
12. However, on a building of this variety of frontage features, set in a lively area of various commercial and street paraphernalia, with an upper-level cross street considerable wire-scape, and often with parked cars tightly alongside, to

my mind the eye is not drawn to this cabling arrangement which sits at a low level. With or without the cable wrapping, and even if one were to focus on the charger, I found the appeal scheme to be visually benign.

13. Previously cited CS Policy DM2 is also relevant to this issue. Amongst other matters, it seeks to secure an attractive and functional built environment embodying the protection of local character. I conclude that the proposal would not conflict with this policy and it would also not run contrary to the aims of S72(1) of the Act.

Other matters

14. There is a range of material within the appeal papers relating to the status of the narrow strip of land in front of the Inn; in particular whether it is highway land. It is not for me to definitively determine this issue or reach a legal conclusion but I would say that informally I found the explanatory text and mapping put forward by the Appellant to counter any highway land argument, to be generally convincing, and to align with my thoughts on the likely situation when I examined this on the ground. My consideration of safety above is, in any event, not based on status of the land but rather the more practical question of whether people would usually be walking here and if they did would the scheme represent a hazard. I give my conclusions on this in paragraphs 7-9 above.
15. The POR acknowledges that there would be benefits with the provision of an electric charging point and I would concur. I found there to be no harm under the two main issues above but the benefits of this scheme add further to my support for the proposal. CS Policy SP6 (Renewables) is mentioned in the POR and to my mind the scheme would align with this policy and would very much accord with the associated explanatory text and stated technological ambitions of the Council.

Conditions

16. The Council suggests a commencement condition and wording to tie the scheme to the approved plans. However, given the scheme is satisfactorily in situ I would deem that these conditions would not be necessary. The Council also suggests a 'removal if redundant' condition but in my opinion this innocuous structure would not require such a condition which in different ways would be unduly onerous on both the building's owner and on the authority seeking to enforce such a hard-to-assess requirement.

Overall conclusion

17. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on the safety of highway users or on the visual appearance of the host property. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR