



Appeal Decision

Site visit made on 15 October 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 07 November 2023.

Appeal Ref: APP/K3605/D/23/3327295

220 Brooklands Road, Weybridge, Surrey, KT13 0RJ.

- 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 Felix Taylor against the decision of Elmbridge Borough Council.
 - The application Ref 2023/0830, dated 17 March 2023, was refused by notice dated 15 May 2023.
 - The development proposed is for vehicular access and charging point following partial demolition of existing front boundary wall and removal of gate.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the wording for the description of development in the bullet point above used by the Council in drafting its decision notice, as it more succinctly describes the development proposed rather than that set out on the original application form.

Main Issue

3. I consider the main issue to be the effect of the proposed development on highway safety.

Reasons

4. The appeal property, 220 Brooklands Road is a two-storey dwelling located alongside the classified 'B' road, the speed limit of which is 30MPH. The property is virtually opposite a commercial estate where several of the buildings are occupied as a distribution hub for a major internet retailer. Accordingly, in addition to what I observed to be a busy road there is also a significant number of vehicle movements associated with the distribution hub.
5. The appellant proposes, following the partial demolition of the front boundary wall a new vehicular crossover, on-site parking for one car together with an electric charging point.
6. The Council concluded that the proposal would not cause harm to either the character and appearance of the area or to the living conditions of neighbouring residential occupiers. From what I have seen and read I have not formed a contrary view.

7. However, they contend that the proposed access would result in vehicles manoeuvring across the footway and carriageway. In addition, due to the location of the building in relation to the access the proposal would fail to provide the requisite visibility splay and driveway depth.
8. The area on site for turning would be limited. However, the appellant has proposed that to avoid reversing into or out of the new parking space a driver would be able, despite the confined space, to still enter and exit in a forward gear. This would be achieved by undertaking a number of small onsite movements. A diagram has been submitted to illustrate this proposal for a private car.
9. I appreciate, based on the diagram provided, that it would be feasible for a car to turn on site and exit in a forward gear. However, this complex manoeuvre would not necessarily be possible for all vehicles visiting the property. Furthermore, in my opinion, many drivers may just decide that backing in or out, although potentially dangerous, would be far easier and quicker. Accordingly, there is no guarantee that vehicles would always enter and exit the site safely.
10. The parties are agreed that visibility cannot be provided in accordance with the advice set out in Manual for Streets for both vehicles and pedestrians. However, the appellant argues that there are already a number of accesses with substandard visibility nearby, and in the last 5 years there have been no reported accidents which have resulted in injury due to these substandard crossovers.
11. Whatever the background to those other substandard entrances nearby and indeed the lack of accidents attributed to them I do not consider them to be an appropriate justification, in this case for allowing another substandard access here.
12. A recent appeal decision for a site in Portsmouth (APP/Z1775/D/22/3302538) has been drawn to my attention. As in this appeal the speed limit on the road was also 30 MPH. The inspector in that case found the proposed access was acceptable despite the lack of adequate visibility. However, and while there may be some similarities in the two cases, I am not persuaded that they are necessarily directly comparable. In any case I have considered this appeal on its individual merits.
13. For the reasons set out above I conclude in respect of the main issue, that due to lack of visibility and ease of on-site turning, the proposal would cause danger and inconvenience to pedestrians and other highway users and interfere with the free flow of traffic on the adjoining highway resulting in unacceptably harmful impact upon highway safety. To allow the development would therefore be contrary to the objectives Policy CS25 of Elmbridge Borough Council – *Elmbridge Core Strategy* (Adopted July 2011), Policy DM7 of the *Elmbridge Local Plan Development Management Plan* (Adopted April 2015), Elmbridge Borough Council – *Parking supplementary Planning Document* (Adopted July 2020) and the National Planning Policy Framework as they require, along with other things, vehicular access to and from the highway to be convenient and safe for pedestrians, cyclists and motorists.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR