



Appeal Decision

Site visit made on 12 June 2024

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/E3335/W/24/3336741

94 Love Lane, Burnham-on-sea, Somerset, TA8 1EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rick Labbe against the decision of Somerset Council.
 - The application Ref is 11/23/00089, decision dated 3 January 2024.
 - The development is described as *'I'm hoping to drop the curb in front of this property to create access for vehicles. I'm aware that the lamp post may be a difficulty and I'm looking for my best option. The neighbouring houses would possibly be willing to extend their dropped curbs to help gain access for me'*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the decision notice is as follows: "Formation of driveway including dropped kerb". The appeal has been determined on this basis which more accurately describes the development.

Main Issue

3. The main issue is the effect of the proposal on pedestrian and highway safety.

Reasons

4. Love Lane (B3140) is one of the main routes into Burnham on Sea from junction 22 of the M5. The road has a speed limit of 30 miles per hour. Where the road passes the site the surrounding properties are mainly residential. There are pavements and double yellow lines on both sides of the road.
5. The appeal property is a terraced house on the north side of Love Lane where there are a number of short terraces. There is some variation in the width and depth of the front gardens with a number of the properties using the frontages for parking where some can turn within the plot.
6. On the opposite side of Love Lane are bungalows with much larger front gardens with each property having a parking space and turning space available.
7. On the same side as the appeal property there is a small secondary section of Love Lane where the properties are set away from the main road and separated by a verge and trees. This part of the road has no parking restrictions.

8. There is no boundary treatment along the frontage of the appeal property. The front garden is covered with gravel with small patches of grass. A streetlight is located to the left side of the frontage.
9. The plans submitted show the frontage of the property proposed for parking with the kerb in front being dropped to form an access. The space does not appear large enough for a vehicle to turn within the site and no evidence has been provided to demonstrate that this is possible. The appellant notes in their statement that turning may not be possible for larger cars. It is therefore reasonable to assume that vehicles using the space would have to either drive into the space and reverse off or reverse on in order to leave in forward gear.
10. The creation of a new access point in this location would not be safe. Cars reversing out of the space onto the road would create a hazard for pedestrians and other road users. The bend in the road in particular would mean that reversing cars would not be visible until it would potentially be too late for cars to slow sufficiently and potentially cause an accident. Furthermore, a car manoeuvring to reverse onto the driveway has the potential to interrupt the flow of the traffic. This could also give rise to other drivers having to take action to avoid stationary vehicles in the carriage way which would be harmful to highway safety.
11. The appellant references other neighbouring properties having similar driveways. However, there are varying different site-specific situations at each of the properties on Love Lane with some having turning spaces available so are able to drive out in forward gear. The creation of an addition driveway in this location would add further potential danger. Not all drivers using Love Lane will be alert to the potential hazard of cars reversing onto the highway. For this access its position, relationship to the bend and the junction make its formation particularly harmful.
12. The proposals would have a significant detrimental impact on highway safety and therefore conflict with policy D13 and D14 of the Sedgemoor District Council Local Plan along with section 9 of the NPPF which states that application should be refused on highway grounds where they would have an unacceptable impact on highway safety.
13. The refusal reason references H5 of the Burnham on Sea and Highbridge Area Neighbourhood Plan. This policy relates to sustainable transport and specifically Travel Plans and the provision of charging points. Therefore, this policy is not determinative in respect of the main issue.

Other Matters

14. Enabling children to access a vehicle on the site may be a safer option than crossing the road. However, this benefit does not affect the harm that has been identified in respect of other road users which justifies the appeal being dismissed.

Conclusion

15. The proposal conflicts with the development plan taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

H Faulkner

INSPECTOR