



Appeal Decision

Site visit made on 21 August 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2024

Appeal Ref: APP/V1260/W/24/3341592

607-609 Charminster Road, Bournemouth, BH8 9RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Ben Merrifield against the decision of BCP Council.
 - The application Ref 7-2023-28737-B was approved on 5 October 2023 and planning permission was granted subject to conditions.
 - The development permitted is installation of a vehicular crossover for joint driveway.
 - The condition in dispute is No 2 which states that: *Notwithstanding details shown on the submitted plans, within 3 months of the commencement of development, a plan showing the design and details of the retained existing boundary wall, or a replacement boundary wall, either side of the access hereby approved along the frontage of Charminster Road shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter accord with these approved details and retained thereafter at all times.*
 - The reason given for the condition is: *To ensure that highway safety and visual amenity is not adversely impacted upon in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).*
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition is reasonable and necessary in the interests of protecting visual amenities and highway safety.

Reasons

3. The appeal site comprises two semi-detached properties with front gardens facing onto Charminster Road. At the time of my site visit, the gardens and boundary treatment, to both properties, which I understand were in place when the application was determined, had been removed.
4. The development permitted is for the '*installation of a vehicular crossover for joint driveway*' to serve both properties, which I note was a change to that shown on the application form which described the works as '*joint households driveway/dropped kerb installation*'. The latter made no reference to the intention to remove existing boundary treatment. I accept that the application was accompanied by a location plan and block plan, with the latter showing a hatched 'Drive' area and a 'Dropped kerb' on the public footway. Even so, no other details were shown and no elevations provided of existing or proposed boundary treatments.

5. The Delegated Report (DR) states that Charminster Road (B3063) is a well trafficked Classified Road and that its strategic importance is evidenced by its status as a District Distributor Road (DDR). In view of this and to preserve the efficient functioning and safe operation of the DDR, saved policy 8.2 of the Bournemouth District Wide Local Plan (BDWLP) (2002) seeks to limit accesses to such roads. None of this evidence has been challenged and as I observed on my site visit the road is well used and busy.
6. The DR continues by reference to the consultation responses received from Transport & Engineering (T&E), which advised that the formation of a shared vehicular single crossover would enable onsite parking and turning areas to be provided in line with the Council's spatial standards, and would not result in the need for vehicles to reverse to/from the public highway. In view of this T&E confirmed they were satisfied that vehicular movements undertaken in forward gear, even those generated by two dwellings, would not be harmful to the safety or free flow of traffic on the DDR. T&E also advised that the removal of on street parking could further improve the functioning of the DDR.
7. It is apparent from the CDR that when Planning Officers visited the appeal site the frontages were laid out as gardens, with the front boundary to No.607 comprising a low brick wall and, on No.609, a similar low brick wall with an area of close boarded fencing. The CDR continues by confirming that there was no elevation plan indicating the proposed boundary treatment and that if the intention were to remove all the existing boundary treatment then this could result in vehicles being driven over full height kerbs to gain access to the entire width of the frontages to both properties. It would also enable vehicles to park in a perpendicular arrangement to the public highway, which, as the Council have pointed out in its Statement of Case (CSOC), is precisely what the layout on the Appellants revised block plan (submitted with the appeal) shows. The CDR concluded that this arrangement, on the advice of T&E, would introduce new reversing movements to/from the DDR which would be unacceptable.
8. There is no substantive evidence before me that would lead me to reach a different finding, in relation to highway safety, to that set out in the CDR. All the submitted evidence, including the Appellants revised block plan, indicate that without replacement boundary treatment the proposed access could generate new reversing movements to/from the CDR that would be harmful to highway safety. Those findings emanate from the consultation response and advice received from T&E, acting in its role as the local highway authority, to which I accord significant weight.
9. For the above reasons, I am satisfied that a joint access, as proposed, would only be acceptable with the provision of a replacement low boundary wall or similar treatment, either side, to reduce the potential for vehicles to reverse to or from the DDR. These manoeuvres, if permitted, would disrupt the free flow of traffic, compromising the effective and efficient functioning of the DDR.
10. The 'Reason' for condition 2 also refers to the impact on visual amenity. The CDR explains this further by reference to the Council's Residential Extension Design Guide (2008) (Design Guide), which promotes the retention of existing boundary treatments. As I observed on site, low brick boundary walls, some punctuated by accesses, are a common feature of the surrounding area. They are thus an important feature of the road that contribute to its character. As a consequence, I concur with the Council's findings and consider that a new or

replacement boundary wall, either side of the proposed access, would assist in preserving and maintaining that character. It would represent a considerable improvement on the existing situation, where the removal of all the boundary treatment to both properties has resulted in a large open and featureless gap within the streetscene.

11. The Appellant has referred to the approved joint crossover to 599 and 601 Charminster Road (No's 599 & 601) (ref 7-2023-11379-B) as a scheme similar to what they propose. That crossover has been constructed and as I observed on site it involves a central access leading to parking spaces, either side, for the respective properties, behind a low boundary wall. I understand that this layout resulted from a similar condition to condition 2 which was in response to the original scheme submitted by the applicants that sought a crossover over the whole width of the frontages to No's 599 & 601. Rather than support the Appellants scheme, this approved crossover supports the Council's position and shows that a consistent approach is being taken to similar proposals.
12. Furthermore, the above approval also shows that the Council are adopting an approach that is consistent with paragraph 55 of the National Planning Policy Framework (December 2023) (NPPF), in using conditions to make otherwise unacceptable development acceptable. I note that the Appellant contends that that condition 2 contradicts condition 1. I do not agree. The purpose behind the condition is clear in that it seeks to make what would be an unacceptable layout (development), acceptable. Condition 2 is precise in that it states that "*Notwithstanding the details shown on the submitted plans*". That is, irrespective of the details shown on the plans referred to in condition 1, further details of a replacement wall must be submitted and approved by the Council to make the development acceptable in terms of visual amenity and highway safety. As to the point about visibility splays, the CSOC confirms these can be accommodated in conjunction with a replacement boundary wall that does not exceed 0.6 metres in height.
13. My overall findings are also supported by the appeal decision reproduced in Appendix 1 of the CSOC. In that decision, a proposal for a new vehicular crossover to 635 Charminster Road was dismissed (on 13 June 202) partly due to the Inspector's findings that the lack of onsite turning space would necessitate vehicles reversing to or from the road, which would give rise to conditions prejudicial to highway safety (ref APP/V1260/D/24/3340369).
14. Given the above, I find that condition 2 is necessary and reasonable having regard to paragraph 57 of the NPPF and in the interests of protecting visual amenity and highway safety in accord with saved policy 8.2 of the BDWLP, the Design Guide and policy CS41 (Quality Design) of the Bournemouth Local Plan: Core Strategy (October 2012).

Conclusion

15. For the reasons given above, I conclude that the disputed condition is reasonable and necessary. The appeal is dismissed.

G Roberts

INSPECTOR