

Appeal Decision

Site visit made on 4 September 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/R3650/W/23/3331300

Land at rear of 3 Hampton Terrace, Beacon Hill Road, Hindhead, Surrey GU26 6NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Alistair Carr of Uplands Property Investments Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/01782.
 - The development proposed is described as the re-submission for the erection of a detached 2 story house with onsite parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with the only matter reserved being landscaping. I have dealt with the appeal on this basis and I have treated any details that are not to be considered at this stage as being illustrative only.
3. The description of development cited in the planning application and appeal forms differs to that contained within the decision notice. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description of development as contained in the application form for the purposes of the heading above.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
5. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework as published in December 2023, and any reference to paragraph numbers are to this version.

Main Issue

6. The main issue is the impact of the proposal on highway safety with particular regard to pedestrian safety.

Reasons

Highway safety

7. The appeal site consists of a plot of land to the rear of 3 Hampton Terrace which forms part of Beacon Hill Road in Hindhead. Hampton Terrace comprises commercial units located at the ground floor level, with mainly residential units located at the upper floor. Access to the appeal site is via a narrow, single lane accessway through an undercroft between Nos 5 and 6 Hampton Terrace, which also provides pedestrian access to the Beacon Hill public car park to the north of the site.
8. On-street parking in the area is restricted through double yellow lines on the southern side of Beacon Hill Road. However, parking bays are in operation on the northern side of the road outside the appeal site on Monday – Saturday between 08.30 – 18.30 for up to an hour. At the time of my site visit I observed that many of the parking spaces at the Beacon Hill car park and on-street parking bays were occupied, and the surrounding area appeared heavily parked with limited parking available.
9. The proposal seeks to provide a single dwellinghouse with off-street parking by utilising the existing crossover, undercroft and access route into the appeal site. The appellant has provided a Transport Note¹ (TN) which forecasts the proposed development will generate a single vehicle movement during the morning and evening peak period and a total of three daily in and outbound trips. As a result, the number of trips generated by the proposal would be modest.
10. The TN also provides accident records² for a five-year period covering 2017-2021. During that period there were two accidents recorded in the local vicinity. Neither were on the section of Beacon Hill Road directly outside the existing accessway to the appeal site. Nevertheless, the proposal would result in an increase in vehicle movements, albeit limited, in an area shared by pedestrians, which potentially leads to additional conflict between these user groups.
11. I acknowledge that the existing accessway is already used by pedestrians and vehicles, including a private parking area behind No 5 and another smaller private parking area adjoining Nos 7 – 10. Furthermore, given the tight nature of the accessway, vehicles would generally be moving slowly along the route to maximise visibility between motorists and pedestrians.
12. The TN includes tracked drawings showing that despite the narrow nature of the route, vehicles can access and exit from the site in forward gear. The tracked drawings show vehicles entering the undercroft in forward gear, pulling up to the end of the accessway adjoining the east elevation of Nos 11 and 12, and reversing left into the off-street parking space in front of the

¹ Transport Note dated June 2020 – Prepared by The Civil Engineering Practice (Ref: 23158)

² crashmap.co.uk

proposed dwelling. On exiting the site, vehicles would leave in forward gear turning right towards Beacon Hill Road. Based on the information before me, and my on-site observations I accept that despite the restricted space, vehicles could access and exit the site in forward gear.

13. However, in order to perform the aforementioned left-hand reversing manoeuvre, vehicles would be required to access the land adjoining the eastern elevation of Nos 11 and 12. From the evidence before me, this land is not under the ownership of the appellant. Thus, it is unclear from the submitted information whether or not such a manoeuvre is possible on land wholly within either the red line area or brown tinted right of way marked on the submitted Land Registry document³. As such, I must adopt a precautionary approach.
14. Given that the required turning area appears to be outside the control of the appellant, it cannot be relied upon to provide egress from the site in forward gear. Consequently, whilst vehicles could enter the site in forward gear, in exiting the site, vehicles would be required to reverse a substantial distance, including around a blind corner, into an area which is used by pedestrians, which would have a significant negative impact on highway safety.
15. Furthermore, there is no evidence before me that suggests that the use of the area outside the appellants' control has been secured through a legal agreement, which would be necessary to make the development acceptable in respect to providing safe access to the required parking space.
16. For these reasons, I cannot be satisfied that the vehicle access would not impact on the safety of other road users, specifically pedestrians which would be harmful to highway safety. I therefore find that it would conflict with Policies ST1 and TD1 of the Waverley Borough Local Plan Part 1 (WLP1): Strategic Policies and Sites, adopted February 2018; Policy RE2 of the Waverley Borough Local Plan Part 2 (WLP2): Site Allocations and Development Management Policies, adopted March 2023; Policy H7 of the Haslemere Neighbourhood Plan 2013-2032; paragraph 116 of the Framework; and the relevant sections of the Waverley Borough Council Parking Guidelines, adopted October 2013 and the Surrey County Council Local Transport Plan 4 2022-2032 which, collectively seek to provide safe and convenient access for all highway users that does not increase the risks of accidents or endanger vulnerable road users including pedestrians.

Other Matters

17. The site is situated within the 5km buffer zones of the Wealden Heaths I and II and East Hants Special Protection Areas (SPAs). The Council considered and concluded that the proposal would not have a likely significant effect on the integrity of the SPAs in accordance with Policy NE1 of the WLP1. However, as the appeal is being dismissed for other reasons, I do not consider this matter further.
18. Both parties refer to previous Inspector decisions⁴ at the site in respect to alternative schemes that have been dismissed. Based on the limited information before me, the first appeal scheme differs from the current

³ Land Registry Plan – Title number SY436298

⁴ PINS Refs: APP/R3650/W/19/3228289 & APP/R3650/W/21/3274429

scheme, as this was a car free development, thus would not have required vehicle access. Whilst the second scheme also provided off-street parking and vehicular access, the Inspector raised similar concerns that the more regular use of the lane would be harmful to pedestrian safety. In this respect my decision is consistent with this approach. Nevertheless, each case must be judged on its own merits, thus I must determine this appeal based on the evidence before me.

Planning Balance

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
20. It is not disputed that the Council is unable to demonstrate a suitable supply of deliverable housing sites. Consequently, the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
21. The proposed development would deliver a new home on the site, providing good quality accommodation. The site could be redeveloped quickly, and it would represent a more efficient use of land. The redevelopment of the site would also deliver both modest social and economic benefits.
22. Nevertheless, I have found the proposed development would negatively impact on highway safety, and in particular pedestrian safety, which attracts substantial weight against the scheme. Thus, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

23. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

Robert Naylor

INSPECTOR