



Appeal Decision

Site visit made on 27 November 2024

by C Rafferty LLB(Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/L3625/W/24/3343044

Land to the rear of 62 Brighton Road, Hooley, Surrey CR5 3EE

- 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 Rocque Investments Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref is 22/00654/F.
 - The development proposed is a single storey two bedroom residential dwelling on the land rear of 62 Brighton Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published during the appeal. The main parties were given the opportunity to comment and I have considered the revised Framework in my decision.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site comprises part of the rear garden of No. 62 Brighton Road, a two-storey, semi-detached property, currently featuring a shed. It sits on a service road with other single-storey structures, including other dwellings to the rear of Brighton Road. The proposal is for a single-storey property with front space for one car.
5. Access to the site would be taken off Star Lane via the service road. The appellant has provided a plan demonstrating visibility splays at this junction for a car exiting onto Star Lane in forward gear. While the Council has concerns that the splays cannot be achieved or maintained as they would cross third party land, it remains that the junction currently serves other properties to the rear of Brighton Road. Although there would be additional trips generated by the proposal, I acknowledge that its single-dwelling nature would limit the overall number of these.
6. However, visibility at the junction would be especially limited for vehicles entering and exiting in reverse gear. The service road is narrow, with space to accommodate one-way traffic only and partially lined by the built form and boundary treatments of Nos. 2 and 4 Star Lane. Nearby front boundary treatments on Star Lane compromise visibility at the junction, resulting in particularly restricted views of the surrounding road network when in reverse.

Even noting the current access use and modest trip generation of the proposal, movements in reverse gear at this junction associated with a dwelling at the site would nevertheless result in increased collision risk and severe highway safety impacts.

7. In addition to a copy of the access and turning plan associated with a previous application at the site, the appellant submitted a swept path analysis, purporting to show how a vehicle would be able to turn at the appeal site to enter onto Star Lane in forward gear. The Highway Authority raised concerns as to whether this is achievable in land within the appellant's control.
8. However, even if I were to find that such land was in the appellant's control or formed part of the service road, it remains that I observed the space to be extremely tight, such that this turning would require multiple manoeuvres. In reality this would be impractical for future occupiers of the site to undertake on a regular basis. In any event, even if turning of vehicles were to occur as demonstrated on the swept path analysis, by introducing numerous manoeuvres at this narrow section used by two way traffic and pedestrians associated with surrounding dwellings, it would result in increased collision risk and highway safety concerns.
9. Even acknowledging the submitted plans, I do not find that the turning of vehicles associated with the future use of the proposal could be undertaken at or near the site in a safe and convenient manner. As such, in addition to giving rise to highway safety concerns at the site frontage, I cannot be certain that the proposal would not result in movements between the service road and Star Lane in reverse gear. For the reasons outlined above, such movements would result in severe highway safety impacts.
10. Furthermore, visitors to the proposal such as deliveries in larger vehicles would also be unable to turn at the site, and the swept path analysis for fire engines demonstrates these would not have turning space in the service road. While these larger vehicles would attend the site less frequently than a private car associated with the future residential use, this would nevertheless add to potential complicated and unsafe movements in the surrounding highway network.
11. For the reasons given the proposal would therefore have a significant and severe adverse effect on highway safety. It would fail to comply with Policy TAP1 of the Reigate and Banstead Local Plan Development Management Plan 2019 and the Framework insofar as they seek to ensure development provides safe and convenient access for all road users in a way that would not increase the risk of accidents or endanger the safety of road users.

Other Matters

12. The proposal would provide an additional housing unit, which would contribute to the housing mix and supply of the area and maximise the potential and use of previously developed land. Such housing would be provided in a sustainable location, among established residential uses. This is a clear benefit of the scheme but, due to its single dwelling nature, attracts limited weight.
13. Planning permission was granted for a dwelling at the site in 2017 which it appears, along with the consent for the dwelling to the rear of No. 60, would have been

extant at the time permission was granted for the dwelling to the rear of No. 68. However, as this permission at the site has expired, it carries limited weight. Based on the evidence before me and my observations, I find the proposal would be contrary to current national and local policy regarding highway safety for the reasons given. Even when taken together with the other matters above, the existence of the previous permission does not outweigh this harm.

14. Although not part of the reason for refusal, the Highway Authority raised concerns regarding the distance to place refuse bins for collection, being approximately 55m, contrary to the 30m recommended by the Department for Transport's Manual for Streets. While this is noted, the 30m distance is guidance rather than policy. In addition, given that this is the situation for other residents on the service road, I do not find that the requirement to move bins this distance would, in itself, be unacceptable in this case.

Conclusion

15. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR