

Appeal Decision

Site visit made on 8 January 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 February 2025

Appeal Ref: APP/Y1110/D/24/3336465

School House, Dunsford Road, Exeter EX4 1LF

- 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 Miss Rosie Little against the decision of Exeter City Council.
 - The application Ref is 21/0601/FUL.
 - The development proposed is: Installation of a dropped kerb for access onto Buddle Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed superfluous wording from the description in the heading above and clarified the location of the proposed access on the public highway
3. In December 2024, a revised version of the National Planning Policy Framework (the Framework) was issued. The main parties have been given the opportunity to comment on any implications of the revised Framework for this appeal and I have taken any comments made into account in my reasoning.

Main Issues

4. The main issues are:
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on air quality.

Reasons

Highway Safety

5. Paragraphs 115b, 116 and 117 of the Framework are specifically relevant with regards to highway safety. Paragraph 115b requires for safe and suitable site access for all users. Paragraph 116 states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. Paragraph 117, amongst other things, gives priority to pedestrian and cycle movements and requires the creation of places that are safe and secure, minimising the scope for conflict between pedestrians, cyclists and vehicles.

6. The appeal site is situated adjacent to a crossroads where Buddle Lane, Dunsford Road, Cowick Lane and Cowick Street intersect. It is a heavily-trafficked junction which is traffic light controlled, including pedestrian crossings. Parking restrictions are in place in the surrounding area.
7. The proposed access would be created onto Buddle Lane and be located close to the adjacent shops. There are no other driveways on this side of Buddle Lane although there is on-street parking and there are driveways on the other side of the road.
8. The proposed plans show the creation of an access following the demolition of the boundary wall, the installation of gates and the creation of a parking area. No evidence, such as tracking diagrams, has been provided to demonstrate that vehicles would be able to turn on the site and leave in forward gear.
9. The creation of an access and its subsequent use would create a hazard for pedestrians, cyclists and drivers, directly adjacent to a busy junction. Vehicles reversing out of the site would have limited visibility, particularly of other vehicles driving around the corner from Dunsford Road. It would also be difficult for drivers egressing the drive to see along the pavement due to the high wall obstructing sightlines. A pedestrian would not be seen until a vehicle had reversed across the width of the pavement potentially causing an accident.
10. Even if vehicles could turn and leave in forward-gear it would be difficult for them to be seen by drivers turning left from Dunsford Road and would increase the chance of accidents. The proposal makes provision for a visibility splay, however, this shows the high boundary wall obstructing part of the sightline and vehicles would need to pull forward onto the pavement some distance to see up and down the road.
11. The manoeuvring both into and out of the driveway would also disrupt the flow of traffic. This effect would be further exacerbated by the inclusion of the gates which may need to be opened prior to the access being used which would further disrupt highway movements for both cars and pedestrians causing a hazard and a safety risk. Vehicles in the road having to stop for a vehicle to manoeuvre onto the drive would disrupt the flow of traffic and could potentially be hit from a car turning the corner due to the lack of visibility around the corner.
12. The traffic movements to and from the site may be low, however, the risk associated with each movement would be high, resulting in an unacceptable effect on highway safety.
13. Although there are other examples of driveways opposite the site, there is no evidence before me that these driveways pose the same level of highway safety risk as the appeal proposal. Even if they do, that is not a good enough reason for allowing further harmful development. In any event, their relationship with the junction is not comparable due to the direction of the traffic and the visibility of the access from vehicles driving around the corner.
14. There is a dropped kerb adjacent to the site, however, this is not currently associated with a vehicular access. Even if the access were in use it would not justify the introduction of a new or additional access which poses a highway safety risk.

15. Whilst the provision of off-street parking may alleviate the pressure for parking, particularly around the school, this benefit would be limited compared to the harm that would occur.
16. The appellant suggests that the improvement would mitigate risks for third parties, such as refuse collectors, however these would not likely enter the property or use the drive to collect waste in any event. Due to the gates, it would be unlikely delivery vehicles would be able to easily access the property for this purpose.
17. In respect of this main issue, my attention has been drawn to various policy sources. Policy CP17 from the Exeter Local Development Framework Core Strategy (ECS) broadly requires developments to be of a high standard of sustainable design and refers to specific areas of the city. It has not been explained which area of the city the site would fall under or how the policy relates to highway safety. Objectives 8 and 9 have also been referred to. These relate to character and appearance rather than highway safety. Therefore, I consider these weigh neither in favour of, nor against, the proposal.
18. I take the same view of Policy DG1 of the Exeter Local Plan First Review (ELP), parts b and f, that I have been referred to, as these are more relevant to character and appearance than highway safety.
19. I conclude, the proposal would have a harmful effect on highway safety and does not comply with the highway safety policies of the Framework. These are a material consideration in this case.

Air Quality

20. The site is within an Air Quality Management Area. The proposal would most likely result in vehicles needing to wait while vehicles access and egress the driveway. The additional vehicle movements may lead to queuing and delays. As a matter of my planning judgement, this would most likely lead to additional emissions from vehicles and contribute to a reduction in air quality in an area which has an identified risk in this regard. Even if I am wrong in this regard, the proposal would not be acceptable in any event due to the highway safety risks identified above.
21. I conclude that the proposals would result in a reduction in air quality and this would be contrary to Policy EN3 of the ELP which resists such an effect.

Other Matters

22. The proposal would enable the appellant to provide an opportunity for electric vehicle charging at their property which has some sustainability benefits, however, as a matter of my planning judgement, this does not outweigh the harm identified above.
23. The appellant has indicated that the property cannot currently accommodate families due to it being inaccessible to pushchairs. Whilst there may be some benefit from the provision of a new access in this regard, I observed significant level differences at my site visit and it has not been explained how step-free access would be achieved. So attribute limited weight to this matter and it does not change my overall conclusion.

Conclusion

24. The proposal conflicts with the development plan and the Framework overall and there are no material considerations which indicate that the appeal should be allowed. For the reasons given above the appeal is dismissed.

H Faulkner

INSPECTOR