



Appeal Decision

Site visit made on 10 April 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/V1260/D/25/3359856

17B Upper Golf Links Road, Broadstone, BH18 8BT

- 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 Peter Holguette against the decision of BCP Council.
 - The application Ref is APP/24/00969/F.
 - The development proposed is formation of new vehicular/pedestrian access.
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Decision

1. The appeal is allowed and planning permission is granted for formation of new vehicular/pedestrian access at 17B Upper Golf Links Road, Broadstone, BH18 8BT in accordance with the terms of the application, Ref APP/24/00969/F and the plans submitted with it, subject to the conditions listed in the Annex to this decision.

Preliminary Matters

2. On 12 December 2024 the Government published a revised version of the National Planning Policy Framework (NPPF). However, the policies that are relevant to this appeal have not changed, albeit some of the paragraph numbering has. For these reasons, I have not invited the parties to comment on the revised NPPF.

Main Issue

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

Reasons

4. The appeal site is located on Upper Golf Links Road and comprises a large detached property within a spacious plot. The host property is set well back from the road with its frontage containing a large area of hardstanding for parking and a drive that leads to a shared access onto the road, in the north eastern corner of the site. This access also serves 17A Upper Golf Links Road a large detached property located to the north of the host. The appeal site's frontage to the road also contains a number of trees, covered by an area Tree Preservation Order, as well as other mature planting. The surrounding area comprises similar large detached properties within spacious plots.
5. The appeal proposal involves forming a new vehicular/pedestrian access to the host property at the south eastern corner of the site. The Proposed Site Plan also shows that a 1.5 metre high close board fence would be erected at the northern

- extent of the driveway, that leads to the existing shared access, to effectively block access to this shared access from the host property.
6. The Council have referred to policies PP27 and PP35 of the Poole Local Plan (PLP). Combined, these require development to ensure that road space and corridors are managed so as to improve safety, provide safe access to a highway, improve and maintain safety for pedestrians and cyclists through prioritising their needs, and require proposals to accord with adopted highway guidance. In terms of the latter, the Council has referred to its Parking Standards Supplementary Planning Document (SPD). Section 5.9 deals with visibility at accesses and states that the aim is to ensure that there is adequate inter-visibility between vehicles on the major and minor arms and that the key factors in determining visibility requirements include traffic speeds, traffic volumes and road configuration on the major road. It continues by emphasising that caution should be exercised where visibility distances are less than those in the guidelines.
 7. The Council's Delegated Report (CDR) confirms that the Highway Authority (HA) objected to the appeal proposal due to the substandard visibility splays and in particular the right hand visibility splay, which, to comply with the guidelines, would require land that was not in the Appellant's control. The Council contend that this substandard visibility would result in additional danger to road users due also to the closeness to a bend in the road. It would also result in a new access where there is already an existing shared access with visibility splays that were secured as part of a planning permission to reposition the access granted in 1988.
 8. As I observed on my site visit, the existing access is substandard and arguably unsafe as it is located on the central point of a bend in the road and directly opposite the junction with Merrifield Drive. The visibility is constrained by both existing trees and hedging, some within the neighbouring property and I agree with the Appellant that this reduced visibility is exacerbated by the downward slope of the road as you travel north. I accept that it is not uncommon to find trees within visibility splays. Reference has also been made to the control secured in the 1988 permission to prevent any obstructions above 0.6 metres within the agreed visibility splays. Even so, the question of whether the latter could still be enforced is not a matter that is before me or something that I can comment on, leaving aside the fact that I have not been provided with the full planning background to this permission.
 9. Within the above context and whilst I accept that the proposal would not secure the full visibility requirements, I am satisfied, on balance, that the new access would be acceptable. It would be sited on a straighter section of the road, to the right when leaving the site, and would be preferable to existing. It would reduce the intensity of the use of the existing access and thus mitigate the risks associated with this. Although it would not secure the required 'x' distance set back, most of the existing accesses on Upper Golf Links Road have a similar substandard set back, but, even so, they appear to function safely.
 10. In terms of the visibility splays, in either direction, the evidence indicates that those on the proposed access would not be dissimilar to those in the 1988 permission. I understand that the latter splays were also less than the requirement at the time and related to a road speed of 30mph, whereas the speed has now been reduced to 20mph. As I observed on my site visit, as well as traffic moving slowly, the road is not busy, there appear to be no issues with on-street parking and it is not on a bus route or it would appear on a designated cycle route. As the Appellant also

points out personal injury collision data for the area does not reveal any incidents and the proposal would not increase the number of vehicular movements but simply relocate them.

11. Overall, I am satisfied on the evidence before me and my observations on site that the proposed access would not give rise to additional dangers to road users. As such, I am not convinced that the achievement of the required visibility guidelines is necessary or justified in this case. There are a number of examples of accesses in the area with similar or less visibility, but no evidence that these have resulted in any accidents or harmful effects to road safety. The speed restriction of 20mph on the road, which appears lightly trafficked and the siting of the access compared to existing are further factors in support of my findings on this issue.
12. Accordingly, I find that the proposal would comply with policies PP27 and PP35 of the PLP and the guidance within the SPD. It would also comply with paragraph 116 of the NPPF which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Conditions

13. I have considered the Council's suggested planning conditions against the advice in the NPPF and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring the development to be carried out in accordance with the approved plans, specified materials and tree protection measures, are reasonable and necessary in the interests of securing a high quality development and to safeguard the health and future of protected trees.
14. I am also satisfied that conditions requiring any structures or trees and shrubs over 0.6 metres in height within the visibility splays and prevention of future use of the existing shared access, as suggested by the Appellant, are necessary and reasonable in the interests of highway safety and to reflect the details included in the application.

Conclusion

15. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR

Annex – Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plans and in the application form.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 345.GA.04e; 345.GA.05c; 345.GA.01.

- 4) The development hereby permitted shall be carried out in full accordance with the submitted Arboricultural Impact and Method Statement with Tree Protection Plan by Richard Nicholson, received 27 August 2024, unless otherwise agreed in writing with the Local Planning Authority.
- 5) Prior to the commencement of any ground clearance, tree works, demolition or development, details of the arboriculturally sensitive operations requiring arboricultural supervision shall be submitted to and approved in writing by the Local Planning Authority. A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative of the Local Planning Authority to discuss details of the working procedures and to agree that all tree protection measures have been installed in accordance with the approved tree protection plan. Any approved remedial works shall be carried out under strict supervision by the arboricultural consultant immediately following that approval.
- 6) No trees, shrubs or other vegetation shall be allowed to grow above 0.6 metres in height and no structures exceeding 0.6 metres in height shall be placed within the sight lines shown on approved plan 345.GA.04e.
- 7) Within one month of the proposed access hereby permitted being first brought into use, a 1.5 metre high close board fence, shown on approved plan 345.GA.04e, shall be erected across the existing driveway to prevent and block access to the existing shared access with 17A Upper Golf Links Road, and retained as such thereafter.

End of Annex.