



Appeal Decision

Site visit made on 23 June 2025

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal Ref: APP/P2114/W/25/3362293

73 Newport Road, Ventnor, Isle of Wight PO38 1BD

- 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 & Mrs Kimovski against the decision of Isle of Wight Council.
 - The application Ref is 24/01724/HOU.
 - The development proposed is formation of vehicular access; removal of front boundary fence; hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for formation of vehicular access; removal of front boundary fence; hardstanding at 73 Newport Road, Ventnor, Isle of Wight PO38 1BD in accordance with the terms of the application, Ref 24/01724/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: I/73NewportRd/01 Proposed Vehicular Access, I/73NewportRd/02 Proposed Vehicular Access – Street Elevations and I/73NewportRd/TK01 Proposed Vehicular Access – Turning Plots.
 - 3) Before the development hereby permitted is first brought into use, the car parking space and vehicular space as shown on the approved plans shall be constructed, surfaced and permanently retained thereafter. The turning space shall be kept available for such use at all times and shall not be used for any other purpose.

Preliminary Matters

2. I have taken the description of the development from the Appeal Form and Decision Notice as it more accurate than the one given on the Application Form.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety with particular regard to visibility and vehicular turning space.

Reasons

4. The appeal site relates to a dwelling facing Newport Road with a generous-sized front garden and timber boundary fencing to the front. Newport Road is a classified public highway with a 30mph speed limit at the point of the site. There is a zebra crossing close to the site.

5. Based on the speed limit, and in accordance with Manual for Streets (MfS), the proposed access would need to be served by a visibility splay of 2.4 metres by 59 metres. The visibility sight line distance ('Y') to the east (exiting the appeal site) would be in excess of 59 metres but to the west it would fall short by between 9 and 18 metres.
6. However, paragraph 10.5.9 of Manual for Streets 2 indicates that while the 'Y' distance should be based on the recommended Site Stopping Distance values, 'unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem.'
7. There is no local evidence before me to indicate that a reduction in visibility will lead to a significant highway safety problem. Furthermore, due to the presence of a zebra crossing to the west of the site and other existing accesses onto Newport Road in the vicinity, traffic would likely approach with caution. Moreover, there would be clear visibility of traffic from the west due to the zebra crossing.
8. In addition, accident data referred to by the Council and the appellant recorded only one accident in five years (between 2019-2023) in the vicinity of the site. No accidents involving existing nearby accesses have been recorded.
9. Given the above factors, the flexibility provided in Manual for Streets 2 with regard to reduced visibility below the recommended levels and the lack of harm identified by the Council, I am satisfied that the proposal would provide adequate visibility.
10. To enable adequate turning space, the Council indicates the layout should provide a minimum depth of 10.2 metres and a minimum width of 8.5 metres. The Council has undertaken a swept path analysis, based on a standard layout, showing that a Standard Design Vehicle of 4.8 metres by 2 metres cannot turn within the proposed parking and turning space.
11. However, the appellant's swept path analysis for various car sizes shows that the proposed layout would be able to accommodate the turning of a Standard Design Vehicle and a four wheel drive vehicle of 4.905 metres in length using only one reverse and one forward movement. While the proposed layout diverges from the Council's standard layout, I am satisfied that it would provide adequate vehicle turning space within the site.
12. For the reasons given, the proposal would provide adequate visibility and turning space. Consequently, the proposal would not unacceptably impact highway safety and comply with Policies SP7 and DM2 of the Isle of Wight Council Core Strategy and Development Management Policies Development Plan Document (March 2012) insofar as they require development to provide an accessible and safe built environment.

Conditions

13. I have had regard to the planning conditions suggested by the Council and the tests in the National Planning Policy Framework and Planning Practice Guidance.
14. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.

15. The condition suggested by the Council requiring the submission and approval of details of the design and surfacing of the parking and turning area is unnecessary given these are shown on the submitted plans.
16. Similarly, a condition requiring the submission and approval of the means of disposal of surface water is unnecessary given that the plans indicate that the driveway will be constructed of permeable material to prevent water run-off onto the highway.
17. However, a condition is necessary to ensure that before the development permitted is first brought into use, the car parking space and turning area as shown on the approved plans are constructed, surfaced and permanently retained thereafter.

Conclusion

18. For the reasons given above, and having regard to all matters raised, the appeal should be allowed.

U P Han

INSPECTOR