



Appeal Decision

Site visit made on 21 August 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/W1715/D/23/3317367

62 St Johns Road, Hedge End, Hampshire SO30 4AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Vincent Keavney against the decision of Eastleigh Borough Council.
 - The application Ref H/22/93848, dated 20 September 2022, was refused by notice dated 14 December 2022.
 - The development proposed is described as remove garden wall and apply to have existing dropped kerb extended to allow access to front garden for the purpose of parking a vehicle.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is one half of a semi-detached pair of residential dwellings located at the junction of St Johns Road and Newcliffe Gardens. It has an enclosed front garden facing St Johns Road and a private rear garden with garage and a single off road parking space accessible from Newcliffe Gardens. St Johns Road is a reasonably busy local road with residential properties along both sides, and Newcliffe Gardens is a residential cul-de-sac.
4. There are double yellow lines around all junctions along St Johns Road including that with Newcliffe Gardens and these extend in front of the appeal site. It is evident, through observation on site, that these double yellow lines are to protect the visibility for users of those junctions, as St Johns Road has high levels of on-road parking and off-road parking, which to use require manoeuvring on the highway.
5. The proposal would convert part of the frontage of the appeal site to provide an additional off-road parking space. The appellant states the rear parking arrangements are narrow and in tandem so require excessive on-road manoeuvring to access. Their distance from the main dwelling is also a concern as one of the residents of the appeal property has health issues where walking distances and manoeuvrability are concerns.
6. Policy DM13 of the Eastleigh Borough Local Plan 2011-2036 states new development must have safe and convenient access to the highway, and should meet national and local guidance and standards, amongst other things. It is not disputed that the proposal would provide more convenient access for the

occupants of the appeal site. However, it is also necessary for any new access to also be safe and not increase danger for road users.

7. The Local Highway Authority have stated that the proposed access would be within 10m of the junction. They have not confirmed where this measurement has been taken from, though it is evident a figure guided by local standards. It is, however, noted that the applicant's own measurements show that most of the access would be within 10m of the outer corner of the junction.
8. Notwithstanding the physical measurements, it is evident through my observations on site and by the existing use of double yellow lines, that road user safety is linked to the visibility along St Johns Road specifically around any junctions, and this is already compromised by existing on-road parking and manoeuvring vehicles accessing existing off-road parking.
9. The proposal would create an additional off-road parking space which would require any vehicle using it to manoeuvre on the highway in proximity to the Newcliffe Gardens junction, which would reduce road user safety. This is because its use would cause a visual obstruction for users of the Newcliffe Gardens junction, and an additional obstacle to the free flow of traffic along St Johns Road.
10. It is appreciated that the current situation along St Johns Road means that users are likely aware of the potential of vehicles using the highway to manoeuvre and access parking. However, this does not negate the additional impact a new access would have on highway safety, particularly within such close vicinity of an existing junction.
11. The appellant has identified other dropped kerbs near junctions along St Johns Road, and I visited them during my site visit. However, no details as to their lawfulness have been made available to me. Nonetheless, the existence of other dropped kerbs near junctions does not overcome the harm identified.
12. Consequently, I find the proposal would not provide a safe new access and so would have a detrimental impact on highway safety. It would therefore fail to comply with Policy DM13.

Conclusion

13. In making this decision I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
14. Nevertheless, it does not follow from the PSED that the appeal should succeed, and for the reasons set out above, the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR