
Appeal Decision

Site visit made on 5 April 2016

by G P Jones BSc(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 May 2016

Appeal Ref: APP/R3325/D/16/3142627

Devonia, Furnham Road, Chard, Somerset TA20 1BE

- 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 Nicholas Crabb against the decision of South Somerset District Council.
 - The application Ref 15/04646/FUL, dated 27 October 2015, was refused by notice dated 6 January 2016.
 - The development proposed was originally described as Rebuild wall to front of property due to storm damage.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. I have used the description of development as provided on the application form and also the date provided in section 13 of the application form, even though I note that this is after the Council's date stamp. Neither the submitted Block Plan nor the Location Plan has the direction of North indicated, and therefore I have used the compass direction as provided the Council officer's report. At the time of my site visit the proposed wall had been constructed.

Main Issues

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

Reasons

4. The wall that is the subject of this proposal has already been constructed of reconstructed stone blocks and it has a height of some 1.8m. This wall abuts the rear of the footway on either side of the access in to Devonia before returning to adjoin the wooden entrance gate that is set in some 2.8m from the rear edge of the footway.
 5. The appeal property is accessed directly off the A358 Furnham Road, which is a Class 1 County Road. At the time of my site visit I observed that the A358 was a very busy road with a free flow of traffic in both directions travelling at speeds that appeared to be near to the speed limit at least. Whilst I appreciate that this was only a snapshot at one particular moment in time, I have not been provided with any substantive evidence to contradict this.
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6. The minimum required visibility splay as recommended in Manual for Streets for a road with a 30 mph speed limit would be 43m. The Council's Highway Consultant considers that the wall restricts visibility in both directions to around 15m at a set back of 2.4m from the carriageway edge, which would be some 28m below the minimum required standard. This has not been disputed by the appellant, and based on my observations on site I would concur with this assessment of the visibility splays.
7. In addition, the wall extends beyond the wooden common side boundary fence of the appeal property and the next door property of 87 Furnham Road. As such, it further restricts the visibility looking from the driveway of no. 87 to the north past the appeal site, which is already restricted by the existing fence. I am mindful of the concern that has been raised by the occupier of no. 87 in this regard.
8. As the access only serves the dwellinghouse of Devonia the amount of vehicular use would not be particularly high. However, the A358 is a very busy road. I consider that the proposal, by virtue of the restricted visibility splays considerably below the minimum standard in conjunction with the heavily trafficked adjoining road, would have a significantly detrimental effect on highway safety. I therefore conclude that due to its design and location the proposal does not give rise to a safe means of access and egress, and is therefore contrary to Policy TA5 of the South Somerset Local Plan 2006 to 2028, adopted March 2015, that requires among other matters that new development would not compromise the safety of road networks.
9. In reaching my decision I have had regard to the guidance contained in paragraph 32 of the Framework, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Conclusion

10. Therefore for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed

GP Jones

INSPECTOR