The Planning Inspectorate

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Your Ref:
Our Ref: APP/Y3940/D/23/3335612

Wiltshire Council
Planning Appeals
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

05 April 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Barbaros Denlisoz
Site Address: Beaulah, Bath Road, Devizes, Wiltshire, sn101pw

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours faithfully,

Jessica Werrett
Jessica Werrett

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Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 19 March 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024.

Appeal Ref: APP/Y3940/D/23/3335612
Beaulah, Bath Road, Devizes, Wiltshire, SN10 1PW

- 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 Barbaros Denlisoz against the decision of Wiltshire Council.
- The application Ref PL/2023/06867, dated 13 October 2023, was refused by notice dated 16 November 2023.
- The development proposed is a dropped kerb to facilitate driveway and parking.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon highway safety.

Reasons

3. The appeal relates to a semi-detached property with a walled front garden set within a linear stretch of similarly positioned dwellings along the south side of the A361 Bath Road, a principal route which leads into and out of the centre of Devizes from the west. Directly opposite the appeal site is a petrol filling station and workshop with dual points of access and egress onto the highway. At the time of my visit, roadworks were underway along the south side of Bath Road with temporary traffic signals controlling a single flow of traffic for a stretch, including directly outside the appeal site. Despite this, it was clear from my observations that Bath Road is a busy and fairly heavily trafficked route. The proposal would install a dropped kerb to create a pavement crossover that would facilitate access to a 6m wide parking area to the frontage of Beaulah.

4. The proposed hardstand in front of Beaulah would have insufficient depth to allow a vehicle to turn and thereby exit and enter the highway in forward gear. This arrangement would necessitate a reversing manoeuvre on Bath Road by any vehicle using the property's frontage for parking, either when entering or leaving the appeal site. I share the Council's view, which I note echoes that of a planning appeal Inspector in 2007 when considering a similar proposal for a property three doors down from Beaulah at 2 Park Dale Terrace (Ref APP/E3905/A/06/2032556/WF), that such a manoeuvre would be inherently unsafe along a busy stretch of road, especially when considering also the potential for conflict between vehicles using the access to the filling station and works directly opposing the appeal site. By failing to provide a safe access to the

highway network, or alternatively providing appropriate mitigating measures to offset any adverse impacts, the proposal would conflict with Policies 61 and 62 of the Wiltshire Core Strategy 2015. There would also be conflict with the National Planning Policy Framework, as revised in December 2023, as far as paragraph 114 criterion b) requires development to achieve safe and suitable access to a site for all users.

Other Matters

5. The appellant has pointed to in excess of twelve other properties nearby which have dropped kerbs to Bath Road and frontage parking, and which I saw for myself. Many do not provide an on-site turning facility, although some do. The appellant's assertion about the absence of available statistics relating to recent accidents from use of these driveways does not indicate to me that they are necessarily safe or free from risk. Furthermore, I have no knowledge of the planning background to any of these other examples. On the other hand, I am mindful of the Inspector's findings in 2007 and have been presented with no evidence that conditions along Bath Road have changed to suggest that concerns relating to highway safety along this stretch of classified road have been resolved. I am also aware of the Council's grant of a more recent planning permission (Ref E/10/0673/FUL) for an access at 3 Park Dale Terrace utilising a turning pad installed on the property's frontage, which I saw working to mitigate the potential harm from the use of a new off-street parking space.

6. I accept that an alternative to providing an off-street parking space at Beaulah would be for a vehicle to park on-street. However, the absence of parking controls to this side of Bath Road along this stretch does not indicate to me that this would be necessarily hazardous. Neither do I consider the manoeuvre of any vehicle parking in this manner to be comparable with that associated with the appeal proposal.

Conclusion

7. For the reasons given, I find that the proposal would be harmful to highway safety. The other considerations that have been put forward do not indicate to me that the appeal should be determined otherwise in accordance with the development plan. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR