DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: WB/11/0056/FULL – 41 Dominion Road

DATE OF SITE VISIT: **09**/03/11

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): N

SITE AND SURROUNDINGS:

The site is a mid-terraced property fronting Dominion Road, with a front garden area measuring just over 6 metres in both width and depth.

Dominion Road is a local distributor road. It is relatively busy with commercial traffic as well as private cars. There are no restrictions on parking on the road outside of the property and cars are parked there. Along the road is a grass verge of approximately 1 metres in width.

The area of frontage of the site is limited to the extent that a private car would not be able to turn round within the site and would therefore have to reverse onto or off the carriageway. The front boundary wall has been removed with remnant pillars.

PROPOSAL:

The development sought for has been advertised as Vehicular access and hardstanding

The proposal consists of:

- New vehicle access onto Dominion Road to provide an off-road parking space in the front garden

RELEVANT PLANNING HISTORY:

The most relevant planning decision is 07/0084/FULL (formation of vehicular access and hard standing to the front of the application property), refused permission 19-03-2007 and dismissed at Appeal 26-02-2008

There are other examples of driveways in the locality. Parking and vehicular crossings have been approved at No. 72 in 1988 (458/88), No. 70 in 2002 (00/191) and No. 39 in 2002 (02/0915), and No. 74 in 2009 (WB/09/0228/FULL)

RELEVANT PLANNING POLICIES:

South East Plan
CC1, CC6, T4

Worthing Core Strategy
16, 19

Worthing Local Plan 2003
H16, H18, TR9

Government Advice
PPS1, PPG13

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

West Sussex County Council Highways consultation response received, set out in full below:

West Sussex County Council was consulted previously on highway matters for this location under planning application no. WB/84/07 and raised an objection due to inadequate turning space. A subsequent appeal was dismissed.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit was conducted on 23/03/2011.

The proposal is for the formation of a vehicle access and hard standing at no. 41 Dominion Road. WSCC dealt with what appears to be an identical submission in 2007, which was recommended for refusal and a subsequent appeal was dismissed. Nothing on the ground appears to have changed since the last application and the applicant has not provided any supporting information including any reasons why they have submitted again.

With no alterations to the previous submission, the Highway Authority would follow the Inspector's decision and again recommend the latest application be refused on identical grounds.

Whilst it is acknowledged that no highway objections were raised to the provision of a vehicular access with no turning space if both spaces are in use for no.74 Dominion Road, we must assess each application on its own merit.

No. 74 is on the northern side of the road where the houses have considerably larger frontages than those on the south side of the road, which creates a feeling of openness. In addition to this, the northern side of the road does not attract as much on-street parking as the south side. In a second site visit carried out on the evening of 11/04/2011, it was observed that 9 vehicles were parked between nos. 37-47 whereas there were only 4 on the northern side over a longer length of road. In the appeal for an access at no. 41 the inspector explained that 'vehicles reversing onto or off the carriageway would interrupt the flow of traffic and the manoeuvring would be harmful to highway safety. This situation would be made worse by the possibility of other vehicles being parked along the frontage.' As we have observed, the on-street parking issue is considerably worse along the south side of Dominion Road, therefore the lack of objection for an access at no.74 would not set a precedent for further accesses on the south side of the road.

It is our contention that because there have been no changes to the proposal since the previous submission, we would recommend that you refuse this application in accordance with the inspector's decision.

Postscript sent in response to photographs submitted by the applicant showing on-site parking outside of No. 41 Dominion Road, set out in full:-

I refer to the latest information that you have provided from the applicant at 41 Dominion Road. Whilst it is understood that there are varying levels of car parking along Dominion Road throughout the day, this issue is secondary to the main reason for refusal which was lack of adequate turning space. It is agreed that it may be beneficial to encourage off street parking on the southern side of the road as a whole, but unless such a proposal came through in a single application we could not ensure that the area would be free of on-street parking. We do not think that a parking capacity survey would be worth undertaking, as we are already aware of the low levels of daytime parking in Dominion Road.

It is our contention that because there have been no changes to the proposal since the previous submission, we would recommend that you refuse this application in accordance with the inspector's decision.

I have checked the most recently available verified accident records and there was an accident at the junction of Ruskin Road and Dominion Road involving a young person crossing the road having failed to look properly. They were hit by an oncoming vehicle and received serious injuries. However, from the information we have, the accident was not related to any vehicle emerging onto Dominion Road.

The recommendation from WSCC as highway authority is for refusal. If you and your Team Leader feel that you would have difficulty sustaining that refusal at appeal despite the earlier findings of the Inspector, then you can explain that to the members of your planning committee and they will have to determine the application as they see fit.

One letter of representation received from occupier of No. 43 Dominion Road, content set out in full below:

I am fully in favour of the proposed planning application of access and hard standing to 41 Dominion Road. Off road parking is absolutely essential along this road due to the volume of road traffic and the ocean gym customer parking is limited on the roadside. Off road parking alleviates the dangers and makes the road more visible and much safer

PLANNING ASSESSMENT:

Introduction

The principle planning concerns with this development is its impact upon highway safety, and to a lesser extent its visual impact.

Visual

There is no consistent boundary treatment to the frontages of properties in the immediate street scene of any visual merit to note. The opening up of this frontage to provide parking would not have a significant impact on the appearance of the street, especially as the front boundary wall has already been removed.

Highway Safety

There is an obvious desire in convenience and security for the applicant to be able to park a vehicle off-road.

However the area of frontage to the site is limited. A private car would not be able to turn round the site. It would therefore have to reverse onto or off the carriageway. Because the distributor road is relatively busy with commercial traffic as well as private cars, vehicles reversing onto or off the carriageway would interrupt the flow of traffic and the manoeuvring would be harmful to highway safety.

Moreover this situation would be made worse by the possibility of other vehicles being parked along the frontage. Although vehicles would normally have to reverse at some stage into a roadside parking space other road users including cyclists, are more likely to see the vehicles manoeuvring into roadside parking compared to coming out or going into a new driveway. This is particularly the case where visibility may be restricted by roadside parking close to the access point.

This judgement has been informed by the specialist advice from West Sussex County Council, who is the highway authority. It is an assessment that was supported by the Planning Inspector when an earlier refused application proposing an identical scheme on the same site was dismissed at appeal (APP/M3835/A/07/2055530 refers).

It is recognised other properties along the same road frontage have parking in the front gardens. Most of these accesses have existed for some time before the current development plan, and when approved by the Council the circumstances of these cases are different. Space is available on such sites allowing the vehicle to turn round and therefore enter or exit the site in a forward gear. Indeed the properties on the northern side of Dominion Road differ from those on the opposite side, which have considerably longer front garden areas.

The most recent approval at No. 74 dominion road (WB/09/0228/FULL refers) was supported due to a lack of objection by the highway authority, so a refusal on highway safety grounds could not be justified. Although the intention was to provide 2 car parking spaces within a width of 6.3 metres, the highway authority considered that providing a width of 6-8 metres was sufficient for a vehicle to turn and enter the highway in a forward gear, although in practice it is likely that the 2 vehicles would be parked side-by-side. In this case the highway authority did not raise an objection to the lack of pedestrian visible splays as the applicant did not have control over the neighbouring land, and a condition required the existing front boundary pillars be reduced in height to 600mm with any planting maintained below that height.

The approval in 2002 at 39 Dominion Road was also due to the frontage area of this property being larger than the application site, and therefore vehicles could turn within the site. This was the determining factor in the Highway Authority raising no objection at the time.

Conclusion

Having regard to the characteristics of the site and context of road usage, the proposal would be detrimental to highway safety due to the lack of turning space within the site and could lead to increased congestion should vehicles have to wait on Dominion Road whilst manoeuvres are performed.

There are also some parked cars along the side of Dominion Road which could hamper visibility for drivers using the proposed access, and therefore being harmful to highway safety.

Such a judgement is supported by the Highway Authority, and the Planning Inspector in a past appeal. There have been no material changes in site circumstance since the appeal to now warrant a different decision being made.

For the above reasons it remains that the proposal have an unacceptable impact upon highway safety, and should not be approved for that reasons.

RECOMMENDATION:

Refuse for the reason:

The proposed vehicular access and hard-standing fails to provide adequate space for the turning of motor vehicles within the site so that vehicles could enter and leave the highway in a forward gear. Together with the limited visibility available to parked cars, this additional access would cause an unacceptable threat to highway safety on this busy distributor road. As such the proposal conflicts with Worthing Core Strategy policy 19, South East Plan policy T4, and saved Worthing Local Plan policy TR9 together with the planning guidance contained in Planning Policy Guidance 13: Planning and Transport.

REASONS FOR RECOMMENDATION:

The proposal conflicts with relevant Development Plan policies.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if refused, would have some impact on the applicant's Rights. However, it is considered that the harm caused by the development outweighs these and that in the public interest the application should be refused. Accordingly it is considered that this decision complies with the Human Rights Act 1998, with regard to Article 8 and Article 1

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

Yes

DELEGATED

Case Officer
Sign..... [redacted] .....Date..... 13/6/11

Authorising Officer
Sign..... [redacted] .....Date..... 13/6/11