

Appeal Decision

Site visit made on 17 January 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/R3325/D/16/3157528

3 Crossways, South Chard, Chard TA20 2PG.

- 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 Mrs Elizabeth Solman against the decision of South Somerset District Council.
 - The application Ref 16/02017/FUL, dated 18 April 2016, was refused by notice dated 8 July 2016.
 - The development proposed is described as "excavation and removal of bank to create a safe space for off road car parking including build retaining wall with steps for access".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on highway safety.

Reasons

Character and appearance

3. The appeal property is a semi-detached dwelling which is part of a row of similarly designed properties facing the B3167. These properties are set back from the pavement behind front gardens and a grassed embankment, which runs almost continuously along the street frontage in this location. As such, this particular part of the B3167 maintains a relatively high degree of visual consistency. The front gardens and grassed embankment also provide the street scene with a distinctly verdant appearance, in keeping with its setting on the edge of the settlement and adjacent to the open countryside.
 4. It is proposed to remove much of the grassed embankment along the frontage of the appeal property in order to create a vehicular access. A large part of the garden would be excavated and replaced with a tarmacked parking area which would be contained by retaining walls. As the development would create a sizeable break in the embankment, it would be clearly visible from the road. Given that none of the other dwellings in this particular row of properties have similar parking arrangements and the embankment is largely intact, the development would have the effect of disrupting the relatively consistent appearance of the street frontage along this side of the road.
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5. The proposed development would also undermine the verdant appearance of the street scene as a section of grassed embankment would be replaced by an open area of tarmac, through which hard surfaces and parked cars could be easily seen. This would not be in keeping with the characteristics of the B3167 in this location, which is distinguished by the softer edges of the embankment on one side of the road and the hedgerow frontage on the opposite side. Hence, the overall effect of the development would be to harm the character and appearance of the area. I am particularly mindful that the National Planning Policy Framework places a strong emphasis on maintaining local distinctiveness. Indeed, a 'core principle' of the document is to always seek to secure a high quality design.
6. The appellant has supplied photographs showing examples of other existing driveways in the vicinity and I was able to observe a number of these during the course of my site visit. However, none of these driveways breach the grassed bank in front of this particular row of semi-detached dwellings and therefore have a different effect on the street scene. As such, I do not consider that the presence of other driveways along the street frontage establishes a convincing precedent to justify the appeal proposal.
7. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. There would be conflict with Policy EQ2 of the South Somerset Local Plan 2006-2028 (the Local Plan) which, amongst other things, aims to reinforce local distinctiveness.

Highway safety

8. The Council express concern that vehicles would not be able to enter and exit the proposed parking area in forward gear. I note that the tarmacked area is relatively large and would enable parallel parking and turning of at least a single average sized car. As such, it would be possible for a vehicle to face forwards when entering and exiting the parking space. Whilst it would not be possible to control the number of vehicles or how they are parked, I am also mindful that the road is relatively straight at this point and the pavement enables a good level of emerging visibility. Hence, even though it is not proposed to construct a visibility splay, I do not consider that the proposal necessarily poses a safety risk. I therefore conclude on this issue that the proposal would have an acceptable effect on highway safety. There would be no conflict with Policy TA5 of the Local Plan insofar as it would provide safe vehicular access.

Conclusion

9. Although I have found that the proposal would have an acceptable effect on highway safety, this does not outweigh the harm that would arise in terms of character and appearance. I appreciate that the proposal would offer greater convenience to the appellant, who I understand has young children, but I have given weight to the particularly strong emphasis placed on local distinctiveness within local and national planning policy. For the above reasons, and having regard to all other matters raised, including the support of the Parish Council, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR