
Appeal Decision

Site visit made on 28 December 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 31 March 2017

Appeal Ref: APP/P0119/W/16/3159544

51 Court Farm Road, Longwell Green, Bristol BS30 9AD

- 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 S Gregor against the decision of South Gloucestershire Council.
 - The application Ref PK16/0632/F, dated 5 February 2016, was refused by notice dated 4 April 2016.
 - The development proposed is new detached house.
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Decision

1. The appeal is allowed and planning permission is granted for 1 no. detached dwelling and detached garage with associated works at 51 Court Farm Road, Longwell Green, Bristol BS30 9AD in accordance with the terms of the application, Ref PK16/0632/F, dated 5 February 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. In my formal decision I have used the description of development taken from the Council's decision notice as this describes the development more accurately than the description given on the application form.

Background and Main Issues

3. The proposal is to erect a bungalow on land at the rear of 51 Court Farm Road (the host property). The application was refused by the Council for three reasons.
4. One of the reasons for refusal related to harm to visual amenity as the Council considered the proposed development would not follow the pattern of development in the locality. After the Council determined the application, an appeal¹ was allowed for a new dwelling on a site immediately to the east of the current appeal site. The Council's statement upon the current appeal makes clear that it no longer wishes to defend the reason for refusal relating to the pattern of development. Consequently, I consider that the main issues in this appeal are:
 - The effects of the proposal on highway safety with specific regard to access arrangements.

¹ APP/P0119/W/16/3147526

- The effect of the proposal on the living conditions for occupiers of Nos 51 and 53 Court Farm Road, with particular reference to noise and disturbance.

Reasons

Highway Safety

5. The proposed development would utilise the existing access onto Court Farm Road. At the time the application was under consideration by the Council, the Council's highway officers recommended that the first 8.0 m length of the access should be widened to 4.8 m to allow two vehicles to pass at the entrance. A further recommendation was that details of visibility splays be provided of 2m by 43 m in each direction at the access point with such details based on a topographical survey.
6. The appellant's appeal submission includes a comprehensive report by transport consultants. As part of that report the ability to provide an access in accordance with the highway officers' recommendations is addressed and a plan is provided in Appendix G to that report. The Council advise in their statement that they have not had an opportunity to fully consider these details and therefore have not taken them into account.
7. From my consideration of the appellant's evidence, I am satisfied that the recommendations of the Council's highway officers can be met. However, the plan at Appendix G of the transport consultants' report although to scale is based upon the plan submitted with the application and does not include all necessary details such as the set back of the front boundary wall. Consequently, to ensure that a condition to secure the access can meet the necessary tests of precision and be enforceable, I consider the Council should have the opportunity to agree the final details of the access arrangements.
8. Taking the above into account, the proposals would satisfy Policy CS8 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 Adopted December 2013. Sub-paragraph 4 of this policy requires, amongst other matters, that site access supports the street scene and does not compromise highway safety. The proposal would therefore also satisfy sub-paragraphs B and C of Policy T12 of the South Gloucestershire Local Plan (Adopted in January 2006) (Local Plan). These require safe access capable of accommodating the motorised traffic generated by the proposal and that there would be no unacceptable effect on road safety.

Living Conditions

9. Garaging to the side of the host dwelling would be demolished and the existing drive would be extended to serve the proposed bungalow. This drive, including a turning area, would run alongside the boundary with No 53. At the time of my site visit, No 53 was undergoing building works and the property was masked by scaffolding and sheeting. However, the documentation submitted as part of the appeal includes a floor plan for a permitted extension to the side of No 53 closest to the appeal site. This plan shows at ground floor level a bathroom window facing towards the driveway and a bedroom window facing the rear garden of No 53.
10. The parking for the host dwelling is to be provided in front of that dwelling where there is already parking provision. The majority of the length of the

proposed driveway would therefore be used to serve only the proposed dwelling. The level of use associated with the proposed bungalow is unlikely to be so frequent that it would necessitate permanent closure of windows in No 53 as the Council suggest. The frequency of vehicles would be similar to what might be expected if parking for No 51 was at the rear of the property rather than at the front as it is at the moment. Therefore, whilst there would be a degree of disturbance to the occupiers of both the host dwelling and No 53, this would not be so significant that it would cause unacceptable harm to their living conditions. In reaching this conclusion I have also taken into account the existing access on the west side of No 53 and the recent permission for an additional dwelling² alongside this access to Cleaves Court.

11. I am satisfied that the widening of the driveway addressed in the first main issue above would not exacerbate the impact on the living conditions of the neighbouring properties given the position of the existing drive and parking arrangements.
12. Notwithstanding my findings on this issue, the treatment of boundaries with adjoining properties is a matter which should be controlled by condition to minimise the impact of the driveway on neighbouring properties.
13. The proposal would satisfy Policy H4 of the Local Plan which permits development which, amongst other matters, would not prejudice the amenities of neighbouring occupiers. The proposal would also satisfy the provisions of Paragraph 17 of the National Planning Policy Framework in this regard.

Other matters

14. I have had regard to concerns raised by local residents when the application was considered by the Council. Those relating to noise and disturbance are considered above. Whilst flooding and drainage issues are raised, the Lead Local Flood Authority has raised no objection and the Council recommends no conditions in this regard.
15. Concerns are also raised by a neighbour relating to the pattern of development and as noted above the Council no longer object to this aspect of the proposal. It is also suggested that the development would be cramped, however the Council's delegated report confirms that the proposal offers adequate space around the proposed dwelling and meets necessary standards in this regard.

Conditions

16. I have considered the conditions suggested by the Council. In addition to the standard time limit condition, a condition to specify and require compliance with the approved plans is necessary to provide certainty. In my reasons above I have set out why a condition is required in relation to the access arrangements and with regard to boundary treatments. The retention of boundary trees and hedgerows, indicated on the plans, is important in relation to providing amenity for occupiers of the proposed bungalow and the existing property to the south of the appeal site and I have therefore added this to the conditions. Bin storage is necessary given the access arrangements and cycle storage to promote alternative means of transport to private cars. Whilst these are addressed in the appellant's evidence, given the small scale of the plan at Appendix A of the traffic consultant's report a specific condition is also

² APP/P0119/W/16/3147526

necessary. I have altered the wording of some conditions and combined those relating to boundary treatments, bin storage and cycle storage to make them more concise.

17. A condition to address the possibility of contamination on the site is necessary as the Council have identified previous landfill in the area and there is no evidence before me to indicate this has been addressed in the submission.
18. A number of the conditions need to be discharged before the development commences to ensure the development is properly coordinated.

Conclusion

19. For the reasons set out above, and having taken all matters raised into account, I conclude that the appeal should be allowed, subject to the conditions in the attached schedule.

J E Tempest

INSPECTOR

Attached – Schedule.

Schedule - Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250 scale; 3520-P1 A; 3520 – P2 A; 3520 – P3 A; 3520 – P4 A.
- 3) Notwithstanding condition 2) no development shall take place until full details of the access arrangements to accord with the principles set out within Appendix G of the report prepared by JMP Consultants Ltd and dated 8 September 2016 have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development details of:
 - (i) all boundary treatments including trees and hedgerows to be retained and measures for their protection throughout the course of the development
 - (ii) secure bicycle storage
 - (iii) bin storageshall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the boundary treatments, bicycle storage and bin storage shall be provided before the dwelling hereby permitted is first occupied.
- 5) A) Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to the commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identifying what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon that part of the site affected. The Local Planning Authority must be informed in writing. A further investigation and risk assessment should be undertaken and where

necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

End.