

Appeal Decision

Site visit made on 18 July 2017

by G Powys Jones MSc FRTPI

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

Decision date: 03 August 2017

Appeal Ref: APP/F0114/D/17/3176966

9 Wells Square, Westfield, Radstock, Somerset, BA3 3UF

- 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 Angela Mills against the decision of Bath and North East Somerset Council.
 - The application Ref 16/06246/FUL, dated 27 December 2016, was refused by notice dated 14 March 2017.
 - The development is described by the appellants in the application form as 'partially graveled garden for use as a parking area'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The development subject of the application is virtually complete. The appellant, in effect, wishes to retain that which has been constructed, and to complete it in accordance with the deposited plan. I shall proceed on this basis.
3. The property is located within the Radstock Conservation Area (CA), and lies alongside the A367.

Main issues

4. The main issues are (a) whether the development, when complete, would serve to preserve or enhance the character or appearance of the CA, and (b) the effect on highway safety.

Reasons

Conservation Area

5. The appeal property is an end-of-terrace stone built dwelling, with a prominent front gable. The former front garden has been cleared and gravelled and is used for the parking of vehicles. The former low, stone enclosing walls have been removed and an access formed onto the A367. The appellant intends to introduce some flowerbeds. The remaining available space appeared wide enough to accommodate 2 vehicles.
 6. This part of Radstock, with its stone built former miners cottages, stands as an attractive reminder of the town's industrial heritage. The cottages on both sides of the appeal property are set well back from the road, and their front
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gardens and enclosing stone walls provide a conspicuous and pleasant setting for the dwellings that they serve. I noted that some neighbouring stone walls had been removed with gardens used for parking, notably next door at No 8. However, where such works have taken place none, to my mind, have resulted in enhancement.

7. On the contrary they, including the works carried out at the appeal property, have resulted in damaging visual harm being caused in this part of the CA. I note that the Inspector appointed to conduct the enforcement appeal (*Ref APP/F0114/C/17/3172495*) in respect of 8 Wells Square, where a similar unauthorised development had taken place, took a similar view in this regard.
8. I conclude that the development, even if completed, has harmed the character and appearance of the CA. Accordingly, a clear conflict arises with those provisions of saved policy BH.6 of the Bath & North East Somerset Local Plan (LP) and policy CP.6 of the Bath & North East Somerset Core Strategy (CS) that, in combination, seek to ensure that new development should preserve or enhance the character or appearance of the area's conservation areas and require high quality design within the area's heritage assets.

Highway safety

9. As already mentioned, the car parking area gains direct access onto the adjacent main road, the A367. As I saw, even during the early afternoon when my site visit took place, this road carries a constant flow of traffic.
10. Whilst, as the appellant suggests, there may be some highway advantages in parking off the highway, as opposed to on it, there is no guarantee, or any enforceable condition that could lawfully be imposed, to ensure that residents would park in such a manner that they would enter this busy highway from the parking spaces in forward gear. The not unrealistic prospect of reversing movements taking place onto the highway would undoubtedly put highway safety at risk.
11. Moreover, a successful appeal could encourage others to pursue similar proposals, which the Council would find difficult to resist. The prospect of multi-accesses being formed from front gardens along this stretch of highway, and its consequent deleterious cumulative impact on highway safety, serves as another reason why the development should be resisted.
12. I therefore conclude that the development has and is likely to put highway safety at risk. Accordingly a clear conflict arises with those provisions of saved LP policy T.24, which requires development to provide a high standard of highway safety.

Other matters

13. I have carefully considered the appellant's grounds of appeal but in the light of my conclusions set out above I clearly disagree with her views and opinion on the visual and highway safety aspects of the matter at hand.
14. I have also read her account of her dealings with the Council, but I am required to determine this appeal on its planning merits. It is not for me to comment one way or the other on the possible misunderstandings or '*a breakdown of communications*' as described by the appellant, which may have taken place.

15. All other matters raised in the representations have been taken into account, including the references to the CA appraisal and to other development plan policy. I consider the policies to which I have referred to be the most relevant in the particular circumstances of this case. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR