



Appeal Decision

Site visit made on 12 December 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 15 January 2018

Appeal Ref: APP/D3315/W/17/3180382 191 Cheddon Road, Taunton TA2 7AH

- 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 and Mrs Charles and Ruth Whitbourn against the decision of Taunton Deane Borough Council.
 - The application Ref 38/16/0456, dated 29 November 2016, was refused by notice dated 23 February 2017.
 - The development proposed is described on the application form as "*demolition of shed and erection of two storey annexe, to form ancillary accommodation, and garage and formation of vehicular access with associated highway works at 191 Cheddon Road, Taunton*".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner heading above has been taken from the planning application form. On Part E of the appeal form it is stated that the description of development has been changed to "*demolition of shed and erection of two storey dwelling, with garage and formation of vehicular access*." A similar description is used on the Council's decision notice. Even so, the appellant states that the Council changed the description without their agreement. Accordingly, I have used the original description.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed annexe on the character and appearance of the area.
 - The effect on highway safety.
 - Whether there would be a functional relationship with the main dwelling.

Reasons

Character and appearance

4. The appeal site consists of a detached chalet bungalow occupying a spacious corner plot at the junction of two suburban streets. The bungalow's rear garden has a frontage onto Wellsprings Road. The site is located in an established residential area where on the whole, groups of semi-detached and

detached dwellings are set back similar distances from the street. The dwellings are of a variety of size, age and style. I acknowledge the more urban feel and proximity to the street of terraced houses on the opposite side of Wellsprings Road. Nevertheless, in overall terms the area exhibits a well-ordered and pleasantly spacious suburban character.

5. The proposed annexe would be a 1½ storey structure providing two-bedroomed accommodation. The roofline and eaves levels would not be dissimilar to those of the bungalow. Therefore, the annexe would be of a considerable size, height and overall bulk. The annexe would be detached from the bungalow, located towards the end of the rear garden. Due to its siting, a substantial part of the annexe would project substantially closer to Wellsprings Road than the side wall of the bungalow and the adjoining pair of dwellings at Nos 1 and 3. This would leave relatively limited space between the annexe and the street in comparison with most surrounding development. It would also significantly reduce the existing sense of space between the bungalow and No.1. As a result, the annexe would be entirely at odds with the prevailing pattern of local development described above and its overall size and bulk would appear somewhat 'cramped' on the site. Consequently, the annexe would be viewed as a rather isolated and alien feature in the street scene.
6. I acknowledge that the annexe would replace an existing garden outbuilding which is in a poor condition. Even so, the outbuilding has a low profile and it has a limited presence in the street scene. As a result, any visual benefit from removing the outbuilding would be minimal and would not outweigh the harm identified above.
7. Therefore, the annexe would cause unacceptable harm to the character and appearance of the area. It follows that the annexe would not accord with criterion in Policy DM 1 of the adopted Taunton Deane Core Strategy (CS), which seeks to ensure that development does not cause unacceptable harm to the appearance and character of the affected street scene. The annexe would also not accord with criterion in Policy D6 of The Taunton Deane Adopted Site Allocations and Development Management Plan (DMP), as there is no substantive evidence before me to suggest that it would be less damaging to the character of the dwelling or the surroundings than an extension which met the need. In this respect, I also note that the Council has granted permission for an alternative form of annexe¹. Moreover, the annexe would not be subservient to the main dwelling in terms of its scale and design. As the annexe would be a form of housing, albeit one that would be associated with another dwelling, DMP Policy D7 is also relevant. The annexe would not accord with criterion in that policy, as it would not reflect the site and its context or integrate with its surroundings.

Highway safety

8. Wellsprings Road provides access to a wider residential area as well as local services including a clinic and a primary school and forms part of a suburban bus route, with services at around 15 minute intervals during the day. Consequently, the road is a well-used suburban thoroughfare and it is likely to experience busier periods, particularly in the early morning and towards the end of the working day.

¹ Council reference 38/17/0180 dated 11 July 2017.

9. A new vehicular access from Wellsprings Road would be created adjacent to the boundary with No 1, to provide a parking space to serve the annexe. In order to do so, the bus stop adjacent to the site frontage would be relocated. This would involve moving the pedestrian shelter around two metres to the east, moving associated high kerbing eastwards by about 4.5 metres and moving the 'bus stop' markings on the adjacent carriageway clear of the access, slightly reducing their overall length in the process.
10. I appreciate that the annexe is initially intended to be occupied by an elderly relative of the appellants. However, as the annexe would have two bedrooms it would also be reasonable to assume that it might be occupied at some stage in the future by more active relatives of the occupiers of the bungalow, such as a recently retired couple or one or more grown-up children. Such occupiers could potentially undertake a significant number of daily vehicle-borne trips. Consequently, it would not be unreasonable to conclude that the average daily vehicle movements likely to be generated by the annexe would be significantly higher than two per day, albeit probably below the six to eight daily movements the Council suggest.
11. As there would be no provision for the turning of vehicles within the site any vehicles entering or leaving the access would have to reverse onto Wellsprings Road. Whilst levels of visibility from the access in either direction would accord with the recommendations in the *Manual for Streets (MfS)* and pedestrian splays would also be provided, drivers reversing out of the access would experience significantly reduced levels of visibility. Moreover, any vehicles would be reversing out of the access in proximity to the adjacent bus stop, where there are likely to be waiting buses and pedestrians on a regular basis. Drivers using the access would also have restricted visibility of any westbound traffic on Wellsprings Road passing any waiting buses. Further, westbound traffic is likely to have little warning of a vehicle emerging from the access in front of a waiting bus.
12. Having regard to the frequency of the bus service and average vehicle movements that would be associated with the annexe, it would not be unreasonable to assume that drivers would, at times, be reversing from the access when a bus is waiting at the bus stop whilst picking up or depositing passengers. Buses may only wait at the bus stop for short periods and drivers intending to exit the access might be prepared to wait until buses have moved off. Nevertheless, these factors cannot be relied upon, particularly when the bus service is busy or drivers are in a hurry or distracted. Consequently, there would be a substantial risk of vehicles using the access coming into conflict with approaching traffic manoeuvring around a waiting bus or with passing pedestrians. Although the Highway Code requires vehicles to reverse into a driveway from the public highway, this does not necessarily dictate driver behaviour and in any event, similar conflicts are likely to arise with such manoeuvres in proximity to waiting buses, oncoming traffic and pedestrians.
13. I have been referred to a bus stop adjacent to an access to a religious building and other bus stops close to residential accesses on Quantock Road. However, from what I saw that road is a lightly trafficked residential street. Although other examples of bus stops adjacent to or over residential accesses in the Council's area have also been referred to, the origin of these arrangements and the traffic levels on some of the roads are unclear. Therefore, none of those examples are comparable with the proposal.

14. Section 6 of the Highway Authority's standing advice² indicates that a turning area will be required where the access is onto a classified road. However, this cannot sensibly be read as meaning that a turning area will never be required on unclassified roads where an individual situation dictates. I acknowledge that there are other accesses and driveways without formal turning areas on Wellsprings Road. However, the circumstances in which those accesses were formed are not clear and in any event, none appear to be in proximity to a bus stop. Therefore, none of those accesses are comparable with the proposal.
15. The bus stop works would move the 'bus stop' markings slightly closer to the junction with Cheddon Road. Based on what I observed the average speed of traffic approaching the bus stop from the east is likely to be less than 20mph, as it would have negotiated the junction. There would be around 23 metres from the markings to the junction. This would be reduced over the current situation, even so it would be marginally greater than the safe stopping distance of 22 metres for vehicles travelling at 20mph in *MfS*. I have not been referred to any guidance recommending a minimum distance between bus stop markings and a junction. Therefore, on the evidence before me I am not persuaded that the available stopping distance between the bus stop markings and the junction would be unacceptably reduced.
16. The relocated bus stop markings would also be significantly closer to a traffic island and its associated road markings at the junction with Cheddon Road. However, I have not seen anything to suggest that the width of available highway would be significantly constrained for westbound vehicles, in particular larger ones, manoeuvring around any waiting buses. Overall therefore, I am not persuaded that the bus stop works in isolation would be likely to result in any significant increase in conflicting movements or hazards in the vicinity of the junction.
17. Whilst there are reasonably high levels of off-street parking on Wellsprings Road, it has a wide carriageway. Away from the bus stop and the parking restrictions around the Cheddon Road junction and the clinic, there would appear to be capacity on Wellsprings Road or in nearby streets to accommodate an additional parked car. Consequently, there is no substantive evidence before me to indicate that any shortfall in on-site parking would significantly erode highway safety conditions in the locality.
18. I have found that the bus stop works and the level of parking provision are acceptable in terms of their effect on highway safety. However, due to the absence of an onsite turning area I find that the annexe would cause unacceptable harm to highway safety. Therefore, the annexe would not accord with CS Policy DM1 as the additional road traffic arising would lead to road safety problems. Moreover, the annexe would be inconsistent with the National Planning Policy Framework (The Framework) at paragraph 32 bullet point two, as it would not provide a safe and suitable access for all people. Relevant case law³ confirms that the third bullet point of paragraph 32 addresses matters of highway capacity and congestion rather than highway safety considerations in themselves.

² Highways Development Control Standing Advice for Planning Applications: Somerset County Council June 2017.

³ *Mayowa-Emmanuel v Royal Borough of Greenwich* [2015] EWHC 4076.

Whether there would be a functional relationship with the main dwelling

19. The significant distance between the annexe and the bungalow would substantially limit the sort of day-to-day interactions between the occupiers of the respective buildings that would normally be associated with occupation of a dwellinghouse, such as taking meals or watching television together. Moreover, although the garden would be shared the annexe would contain all of the facilities required for independent living and it would have its own parking space. Due to all of the above factors, any occupiers of the annexe could live a largely separate lifestyle from the occupiers of the bungalow notwithstanding their family relationship. As a result, the annexe would not be functionally integrated with the bungalow. Whilst occupation of the annexe could be restricted to ancillary accommodation by condition, that would not make the proposal acceptable in planning terms having regard to the functional separation of the annexe and its severability from the bungalow. Consequently, the annexe would not accord with criterion in DMP Policy D6 as it would not be close enough to the bungalow to maintain a functional relationship.

Other matters

20. I can understand and sympathise with the appellants' wishes to accommodate an elderly relative whilst enabling her to retain a level of independence. However, the consequences of development will endure for many years after personal circumstances cease to have relevance. A number of interested parties either support or do not object to the annexe. Even so, I have to deal with this appeal on its planning merits. Consequently, the above matters can only carry limited weight. I also acknowledge that the annexe would not cause undue harm to the living conditions of the occupiers of neighbouring residential properties. Nevertheless, this does not outweigh my findings on the main issues.

Conclusion

21. The annexe would not accord with the Development Plan or the Framework. Therefore, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR