



Appeal Decision

Site visit made on 16 July 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/X1118/D/19/3219801

122 South Street, Braunton, Devon EX33 2AS

- 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 Greg Morgan against the decision of North Devon District Council.
 - The application Ref 65664, dated 8 October 2018, was refused by notice dated 11 December 2018.
 - The development proposed is remove front wall lowering the level of the garden. Furthermore, remove the dividing wall with 124 South Street to create a large hardstanding frontage to the houses.
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Decision

1. The appeal is allowed, and planning permission is granted for the creation of an access and parking area at 122 South Street, Braunton EX33 2AS in accordance with the terms of the application, Ref 65664, dated 8 October 2018, subject to the following condition:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan ref NDC001 and Site Plan NDC003.

Procedural Matters

2. The description of development, as stated on the application form, is set out above. The Council, on the decision notice, has described the development as a retrospective application for the creation of driveway/off road parking area. As this more accurately and succinctly describes the proposal I have considered the appeal on this basis.
3. The National Planning Policy Framework (the Framework) was revised in February 2019 and this post-dates the Council's refusal notice. The Framework has not materially changed in respect of this appeal, consequently no parties will have been prejudiced by my having regard to the latest revision of the Framework.

Main Issue

4. The main issue is the effect of the development on highway safety and the flow of traffic.

Reasons

5. The proposal involves the creation of an access from South Street to allow vehicles to park off-road and within the boundary of the dwelling. South Street is a one-way residential road with traffic flowing in a northerly direction. It is within a 20mph zone with traffic calming measures for much of its length and with parking restrictions applied to either side of the roadway.
6. 122 South Street is sited on the west side of the road on a slight bend and opposite an existing driveway. This section of the road has no footways and banks of vegetation to the east side. At the time of my site visit there was a light flow of traffic with speeds which appeared to be broadly consistent with the speed restriction.
7. The appeal site is a terraced property and its frontage is restricted in size. The area of hardstanding does not allow for turning within the site to allow for vehicles to exit in a forward gear. Consequently, vehicles must either stop on the highway and reverse into the site or reverse out onto the one-way street.
8. There are no details of visibility arrangements or requirements for the access. Nevertheless, I was able to see on my site visit that sightlines to the north are currently impaired for the occupiers of vehicles leaving the site. However, sightlines to the south, which is the direction of the traffic flow, allow for a distance that, in my opinion, would not compromise highway safety.
9. Additionally, traffic movements generated by this residential property are unlikely to be significant due to the size of the dwelling and the limited area allocated for parking. Highway users are restricted by a low speed limit, traffic calming measures and a one-way system. Consequently, the development would have limited impact upon the free flow of traffic.
10. The Council was concerned that no provision had been made on site for the disposal of surface water, which could disperse on to the highway. The appellant advises that a permeable gravel surface has been laid over the garden. The surface is compatible with sustainable drainage techniques and is considered acceptable. The Council had not suggested the imposition of a drainage condition and I agree that it would be unnecessary.
11. For the above reasons, I conclude that the proposal would not have a significantly detrimental or unacceptable impact on highway safety and therefore would accord with Policies DM04 (Design Principles) and DM05 (Highways) of the North Devon and Torridge Local Plan 2011-2031. These policies seek, among other things, to provide an acceptable level of accessibility and safety for all developments and the Framework which seeks to avoid unacceptable impacts on highway safety.

Other Matters

12. Within the surrounding area there are occasional examples of off-road parking where hardstandings have been created to the front of properties. Many of these examples do not have access and turning arrangements that would allow for vehicles to enter and exit the site in a forward gear. A recent appeal decision¹ for an access from 116 South Street to the north of the site is cited in the officer report. The Council refer to existing arrangements highlighted by the

¹ APP/X1118/D/18/3203992

Inspector as being on streets that carry significantly lighter traffic movements and are not classified. I am not aware of the full circumstances of this decision or other existing arrangements and in any event each scheme must be considered and determined on its individual merits.

Conditions

13. The standard three-year time limit condition is unnecessary because the development has been completed and the use of the parking area implemented. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of certainty. A condition requiring the materials used in the construction of the external surfaces to match the existing building is unnecessary. Permeable gravel has been laid which should provide an appropriate surface to satisfy concerns of surface water drainage.

Conclusion

14. For the reasons given above, and taking into account all other matters, I conclude that the appeal should be allowed.

S Hanson

INSPECTOR