



Appeal Decision

Site visit made on 22 July 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2019

Appeal Ref: APP/Z0116/W/19/3228277

5, The Coach House, Grange Court Road, Henleaze, Bristol BS9 4DP

- 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 Woodall against the decision of Bristol City Council.
 - The application Ref 18/02844/F, dated 29 May 2018, was refused by notice dated 9 January 2019.
 - The development proposed is a new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - the implications of the development for the safe movement of vehicles and pedestrians within the vicinity of the proposed development; and
 - the appropriateness of the means of household waste disposal.

Reasons

Movement of Vehicles and Pedestrians

3. The appeal site is part of the existing garden serving a converted coach house and is to the rear of a row of detached and semi-detached properties that face onto Grange Court Road (GCR). Access to the site and the existing converted coach house is via a lane off GCR, which is a typical rear lane providing vehicular access to the rear of four pairs of large semi-detached properties facing onto Westbury Road.
4. Although the vast majority of GCR is lined with detached and semi-detached domestic properties, I also observed a school, a block of flats, a church and a bowling green that are all accessed off the street.
5. Having had regard to the submissions from both parties, there are two distinct elements to the first main issue, namely:
 - (i) the effect of the development on the safe movement of vehicles and pedestrians on GCR; and
 - (ii) the effect of the development on the safe movement of vehicles and pedestrians on the shared access lane.

6. With regard to the first of these elements, a critical matter is whether there is sufficient visibility for drivers of vehicles leaving the access lane and travelling onto GCR. Accordingly, I have had regard to the advice provided in Manual for Streets (MfS) 1 and 2 in respect of visibility splays at junctions and stopping site distance (SSD). The SSD is dependent on the speed at which the vehicle is travelling.
7. In considering vehicle speeds on GCR, I noted that access to the appeal site is close to the junction of GCR with Westbury Road and that the speed limit on GCR is limited to 20 MPH. As such, traffic speeds along GCR are likely to be low and not likely to exceed the 20MPH limit. Whilst a traffic speed survey has not been provided, it is reasonable to apply an absolute maximum SSD of 25 metres¹, which represents the 'Y' distance in the necessary visibility splay².
8. As for the 'X' distance², there is disagreement between the parties about whether it is appropriate to apply the 2.4 metre distance back from the carriageway at the access to the site, as referred to in both versions of MfS. Reference has been made to the recommendations in the guidance where an 'X' distance of 2 metres may be appropriate in some lightly trafficked and slow speed situations. In this regard the appellant undertook a traffic count the results of which revealed an average of more than 4 vehicles per minute on GCR in the period recorded in the morning and just under 4 per minute on GCR in the afternoon period.
9. I do not consider the amount of vehicle movement observed in the traffic survey to be unsubstantial. Whilst the speed of traffic on GCR in the vicinity of the appeal site access may be low, I cannot conclude that the street is lightly trafficked and that it would, therefore, be appropriate to apply an 'X' distance as low as 2 metres.
10. I have not been provided with any plans that adequately demonstrate the vision splay that can be achieved at the point of access into the lane with a 2.4 metre 'X' set back. Whilst the appellant has suggested that a vision splay of 25 metres with a 2 metre 'X' set back can be achieved, there is no substantiating evidence to support this.
11. Nevertheless, I observed the point of access on site and noted that visibility for drivers leaving the access lane is very limited in both directions. To the west of the access is the side elevation of a garage and to the east is a wall enclosing the front garden of the property adjoining the lane. I have not been provided with any information suggesting that the appellant has any degree of control over the land either side of the lane in order to secure improvements to the visibility at the point of access.
12. In addition to the above, during my visit to the site (at around 11 am during the school holidays) I observed a significant number of vehicles parked on both sides of the carriageway on GCR. Having regard to the number of residential properties in the area, it is reasonable to conclude that the amount of on street parking I observed in the vicinity of the appeal site is typical and would be greater in the early morning and the evening. These parked vehicles, particularly those I observed either side of the access to the appeal site, are a further obstruction to the visibility of drivers leaving the lane.

¹ Table 7.1 of Manual for Streets 1

² Section 7.7 of Manual for Streets 1 and section 10.5 of Manual for Streets 2.

13. I note the appellant's reference to the guidance in part 10.7 of MfS2 which advises that, where speeds are low, some encroachment to allow visibility beyond parked cars may be acceptable. However, encroachment in this case would be over the pedestrian footway. I consider this to be detrimental to pedestrian safety on GCR, particularly having regard to my conclusions below with regard to the effect of the development on pedestrian movements on GCR. I do not, therefore, conclude that the encroachment described in the guidance is acceptable in these circumstances.
14. Turning to the effect of the development on the movement of pedestrians on GCR, I note the traffic survey included a pedestrian count that recorded around 70 pedestrian movements in GCR in both the morning and afternoon periods. This would amount to an average of more than one pedestrian movement per minute. In addition to this, I noted the presence of a school, church and bowling green on the street, all of which are likely to have an influence on the number of pedestrian movements along the street, including those passed the appeal site entrance.
15. I noted that the footway in the vicinity of the appeal site was close to the minimum width suggested in paragraph 6.3.22 of MfS2. That minimum width is only recommended in lightly used streets such as those with a purely residential function. In this regard and noting the very limited view that drivers leaving the appeal site have of pedestrians on the adjoining footway, I can only conclude that conflict between vehicles leaving the appeal site and pedestrians on GCR would occur and that such conflict would result in a risk to the safety of pedestrians on GCR.
16. To conclude on the first element set out above, based on the evidence before me and my observations on site, the visibility for drivers leaving the appeal site would be inadequate and there would be a likelihood for conflict between vehicles leaving the lane and both vehicles and pedestrians travelling along GCR. Whilst I acknowledge that there is a lack of any records of accidents within the vicinity of the appeal site, this does not change my conclusions with regard to the existing situation. I also acknowledge that only one dwelling is proposed and note the evidence relating to the predicted vehicle trips generated by that dwelling. Nevertheless, any increase in the use of the junction at the appeal site access with GCR would increase the highway safety risks associated with it. This would be unacceptable.
17. Turning to the second element and the effect of the development on the movement of pedestrians and vehicles in the access lane itself, I note that a section of some 35 metres of the route from the appeal site to GCR is shared with the properties facing Westbury Road. I have had regard to the representations made in respect of how the lane is used by local residents. I also note the vehicle and pedestrian movements in the lane recorded during the appellant's traffic survey.
18. Whilst it may well be difficult for pedestrians and vehicles or two vehicles to pass on the lane, such incidents are not likely to be frequent. Furthermore, the character of the lane is such that vehicles travelling along it are likely to be moving slowly. In view of this, any incidents of a vehicle and pedestrian or two vehicles meeting on the lane is not likely to cause a significant degree of risk to the safety of pedestrians or drivers. This conclusion does not, however, alter

my view with regard to the safety issues identified earlier in this decision in respect of vehicles leaving the access lane and travelling onto GCR.

19. Policy BCS10 of the Bristol Development Framework Core Strategy – Adopted June 2011, together with policy DM32 (Transport Development Management) of the Bristol Local Plan – Site Allocations and Development Management Policies – Adopted July 2014 (the local plan) seek to ensure that new development provides safe streets and a safe and adequate access. Given the existing conditions with the access to GCR, which are not, for the reasons set out above, adequate in terms of highway safety, the proposal would conflict with these policies. The development would, therefore, not be acceptable in terms of the safe movement of vehicles and pedestrians within the vicinity of the proposed development, those movements on GCR in particular.

Household Waste Disposal

20. Policy DM32 (Recycling and Refuse Provision in New Development) of the local plan requires new development to make sufficient provision for the storage of recycling and refuse containers. The policy requires the provision to be in a safe and convenient location for occupants, whilst providing satisfactory access for collection vehicles and operatives.
21. Details have been provided of a bike and bin store within the site, close to the proposed dwelling. As such, part compliance with policy DM32 would be achieved in that provision would be made and that this provision would be in a safe and convenient location for the occupiers of the development. This store is, however, some 70 metres from the point at which waste can be collected on GCR. The location of the bin store is not, therefore, satisfactory in terms of access for collection vehicles and operatives, in conflict with policy DM32.
22. In view of the location of the bin store, the occupiers of the dwelling would need to deliver waste from the bike and bin store to GCR. Whilst I note the Council's contentions with regard to the safety of occupiers of the development travelling along the access lane to deposit their waste for collection, I have already concluded that there would not be a significant degree of risk to the safety of pedestrians on the access lane itself. Although I accept that the waste disposal arrangements for the occupiers of the proposed dwelling would be inconvenient and would not accord with the requirements of policy DM32, I am unable to identify any harm in this regard.
23. Accordingly, the means of household waste disposal for the occupiers of the proposed development would be satisfactory.

Other Matters

24. I acknowledge that the appeal site is in a location that is within easy access to services and facilities by sustainable modes of transport and that the principle of residential development in this location is accepted by the council. These matters do not, however, change my conclusions above with regard to the safe movement of pedestrians within the vicinity of the proposed dwelling.
25. I have had regard to other matters raised including, but not limited to, noise and disturbance, the scale and height of the proposed development, overlooking from the development into neighbouring properties, loss of light, the effect of the development on trees, access to the site for emergency vehicles, security and the loss of green infrastructure. As I am dismissing the

appeals on one of the main issues for the reasons given above, I have not pursued these matters further.

Conclusions

26. For the above reasons, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR