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## Appeal Decision

Site visit made on 24 September 2019

**by James Taylor BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 October 2019**

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**Appeal Ref: APP/R3325/D/19/3233078**

**27 Carisbrooke Gardens, Yeovil, Somerset BA20 1BX**

- 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 Miss Leanne Gray against the decision of South Somerset District Council.
  - The application Ref 19/00825/HOU, dated 13 March 2019, was refused by notice dated 8 July 2019.
  - The development proposed is described as 'raising of front garden to form private parking space'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant has questioned whether the appeal proposal should require planning permission. However, this is not a matter for me to determine in the context of an appeal made under s78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under s191 or s192 of the Act. Any such application would be unaffected by my determination of this appeal.

### Main Issues

3. The main issues are:
  - i) The effect on the character and appearance of the street scene.
  - ii) The effect on the living conditions of the occupiers of 25 Carisbrooke Gardens with regard to outlook.
  - iii) The effect on highway safety with regard to insufficient depth of the parking space.

### Reasons

#### *Character and appearance*

4. The frontage of the properties along this part of Carisbrooke Gardens are characterised by steeply sloping driveways to the front of garages and, to the side of these, the front gardens are open terraces with a mix of hard and soft landscaping.

5. The proposal would alter the appearance by obviating the terraced front garden thus providing an additional hard standing area to form a private parking space. It would have a comparatively modest slope, achieved by a high retaining wall feature very close to the front elevation of the host building. Whilst the plans illustrate soft landscaping to either side of the car parking space, mitigating the visual impact to a degree, I consider that the proposal would appear cramped by virtue of the limited depth of the front garden and the height and proximity of the retaining wall to the front elevation of the host building.
6. My attention has been drawn to 5 Osborne Road which is within the same street scene as the appeal site. Whilst this exhibits some characteristics in common with the appeal proposal it has a noticeably lower retaining wall. My attention has also been drawn to examples at Meadow Road in Yeovil, which I have visited. However, I am mindful that this is a location some distance from the appeal site. Moreover, the examples are different in terms of height, scale and/or garden depth such that they do not set any sort of precedent in this matter.
7. Therefore, in conclusion on the first main issue I consider that the proposal would have a harmful effect on the character and appearance of the street scene and the proposal would conflict with policy EQ2 of the South Somerset Local Plan (2006-2028) adopted March 2015 (LP) which amongst other aims seeks high quality development. Furthermore, I find conflict with the design objectives of the National Planning Policy Framework (the Framework).

#### *Living conditions*

8. The high retaining wall and barrier would be in very close proximity of the living room window of No 25. The appellant states that the works would be lower than a boundary feature erected under permitted development. However, I have no evidence to suggest that such a fall back is a reasonable possibility and I observed the open frontages that characterise Carisbrooke Gardens. Furthermore, the appellant highlights that windows at the rear of the house also provide outlook to the living room. However, the depth of the living space is such that I consider a dual aspect to be necessary in order to provide reasonable living conditions for occupiers.
9. Due to the height and proximity of the retaining wall and barrier to No 25's front living room window I consider it would have a detrimental impact on the outlook of the occupiers. Additionally, the hard standing is designed for vehicular parking and vehicles parked at this point would exacerbate the detrimental impact on the living conditions of occupiers of No 25 by further reducing their outlook.
10. Therefore, in conclusion on the second main issue I consider that the proposal would have a harmful effect on the living conditions of No 25 and would conflict with policy EQ2 of the LP which amongst other aims seeks to protect the living conditions of neighbouring properties. Furthermore, I find conflict with the design objectives of the Framework.

#### *Highway safety*

11. LP policy TA6 sets out that parking standards within the Somerset Parking Strategy Guidance (SPSG) will be applied in South Somerset. I place some

weight on the guidance that sets out a required depth of 4.8 metres for a vehicular parking space. The proposal is less than this by circa 20 cm. Furthermore, I note that there is no allowance for accessibility. I consider that additional room may practically be required to gain access at the rear of the parking space.

12. However, I am mindful that this is an additional space over and above the existing parking provision at the site. Therefore, if the hard standing is insufficient in depth so as, in practice, to not be reasonably used for the parking of a vehicle then I consider that there would be a neutral impact in terms of parking provision and highway safety.
13. Therefore, in conclusion on the third main issue I consider that the proposal would not have a harmful effect on highway safety and the proposal would accord with the objectives of policies TA5 and TA6 of the LP and the SPSG which amongst other aims seek the provision of appropriate car parking. Furthermore, I do not find any conflict with the Framework in this regard.

### **Other matters**

14. The appellant has suggested that the existing driveway is of such gradient that it is difficult for any driver to use. From my site inspection and experience I have seen cars successfully parked and manoeuvred on similar gradients. I appreciate that this may be less convenient, but I place little weight on this consideration.
15. Furthermore, the appellant sets out that the parking space would be used for an occupier with a medical condition affecting their balance and mobility, making access to the driveway difficult. I have therefore also considered the proposal in the context of the Public Sector Equality Duty (PSED) contained in the Equality Act 2010 (the Act). The Act sets out the relevant protected characteristics which includes disability and there is the potential for my decision to affect persons with a protected characteristic. I place some weight on this consideration. However, I am mindful that alternative solutions exist to resolving issues of accessibility for people with a disability, including the provision of an on-street disabled parking bay. This would result in no greater loss of on-street parking than the proposal and as such would not conflict with the three equality principles set out in s149 of the Act. For these reasons, I therefore find that this matter is not sufficient to outweigh the harm that I have previously identified.

### **Conclusion**

16. Whilst I have found that the proposal would be satisfactory in regard to highway safety, I find that the proposal would be detrimental to the character and appearance of the area and the living conditions of the existing and future occupiers of No 25. Therefore, for the reasons given above I conclude that the proposal would be contrary to the development plan when read as a whole. I do not find any other material considerations to outweigh this conclusion and find that the proposal would be contrary to the Framework when read as a whole. Therefore, I conclude that the appeal should be dismissed.

*James Taylor*

INSPECTOR