
Appeal Decision

Site visit made on 1 October 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/V3310/D/19/3235846

3 Kinglake Villas, Taunton Road, Bridgwater TA6 6BW

- 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 Daniel Bellringer against the decision of Sedgemoor District Council.
 - The application Ref 08/19/00063, dated 12 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is to drop 5 kerbs to create vehicle access onto the proposed driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on highway safety.

Reasons

3. The appeal site is a mid-terraced house, with a level front garden set behind a low brick boundary wall. The terrace fronts the A38 Taunton Road, which is a major route into Bridgwater from the south. In common with most of the other terraced houses on this side of the road, there is no off-street parking at the front of the property, but rear servicing is provided by way of a communal drive through a break in the terrace. The appeal proposals involve the creation of a new access off the A38, to provide a car-parking space in the front garden.
4. The A38 is a busy road and, at the time of my visit, I saw a steady stream of traffic passing the site in both directions. Most of the traffic appeared to be observing the 30-mph speed limit that is in place on this part of the road. There is no dedicated cycle lane, so I saw cyclists sharing the main carriageway with vehicular traffic. There is unrestricted car-parking on both sides of the road, but there is a recess in the pavement and a widening of the carriageway, to the south of the appeal site, which encourages on-street parking to take place on this side of the road. At the time of my visit there were no vehicles parked on the opposite side, but there were spaces available in front of Kinglake Villas.
5. The Highway Authority's Standing Advice¹ (the Standing Advice) says that a turning area will be required, independent of the parking provision, where an

¹ Somerset County Council - Highways Development Control Standing Advice Published: June 2017

access is onto a classified road. A turning diagram is included with the Standing Advice, showing the minimum dimensions required to allow a car of average dimensions to be conveniently turned. It is noted on the diagram that it may be possible to turn a vehicle in a smaller space, but that this will involve a greater number of movements, and is likely to lead to vehicles being reversed onto the highway.

6. The submitted drawings show that, if the entire front garden of the appeal site was kept clear for the manoeuvring of a vehicle, the area available would be 8.3 metres long by 5.7 metres wide. This is very significantly smaller than the 14.6 metre by 7.3 metre area shown on the Standing Advice diagram. The appellant suggests that it would, nevertheless, still be possible to turn within the available space if a car was driven onto the site at an angle. However, this manoeuvre would rely on there being sufficient space between cars parked on the road to enable such an angled entry. Even if a car was driven onto the site at an angle, the very limited space available would mean that multiple manoeuvres would be necessary to turn it around to leave in a forward gear. Consequently, the provision of a parking space in the front garden would be likely to result in vehicles reversing onto the A38.
7. A driver reversing out of the space would have to cross a pavement and emerge between parked cars to join the busy A38. Such a manoeuvre would be hazardous, as the driver would have limited visibility of pedestrians on the pavement, and of cars and bicycles on the road. Furthermore, drivers of vehicles on the road would be likely to have limited visibility of a car emerging from the access, due to the presence of cars parked on the road. The rear of a car suddenly emerging between parked vehicles would be particularly dangerous for cyclists, who could be passing the site at some speed on this level, straight road. The reversing of vehicles off the site and onto the A38 would therefore result in significant highway danger.
8. I am mindful that the existing on-street parking involves some reversing on the highway. However, these movements do not involve crossing the pavement. Furthermore, other road users have more advanced visibility of this type of manoeuvre, so can respond more safely.
9. The appellant points to a number of benefits that would ensue from the reduction in on-street car-parking as a result of the proposal. It is suggested that it would be beneficial to the flow of traffic. However, I saw that the road was wide enough for two-way traffic to pass freely alongside parked cars. It is also suggested that fewer parked cars would make it safer for pedestrians to cross the road. However, there would still be on-street parking either side of the site, so removal of one parked car would not make a significant contribution to pedestrian safety in the area. I recognise that an off-street parking space would make it safer to get in and out of the car, but this does not offset the greater highway danger that would be caused by the resultant reversing manoeuvres onto the A38.
10. The appellant also draws my attention to other sites in the vicinity, where off-street car-parking exists without a turning space. I am not aware of the planning circumstances surrounding any of these. I saw that 9 Kinglake Villas had a new hardstanding in its front garden. However, this is entered via the adjacent communal drive, so does not appear to have involved a new access to the A38. I saw other examples of existing accesses at 11 Kinglake Villas and at

198 - 204 Taunton Road, none of which appeared to be of recent origin. I found none of them to be directly comparable with the appeal proposal in terms of the size and layout of the parking area, but all are likely to require reversing manoeuvres onto the A38. Nevertheless, the presence of other historic accesses in the locality, that may lead to dangerous highway conditions, is not a reason for me to allow another one.

11. I appreciate the appellant's desire to create a safer parking space for his family, and I sympathise with his concerns regarding repeated damage to his vehicle. However, these matters do not outweigh the significant harm to highway safety that would result from the reversing manoeuvres onto the A38 as a consequence of the appeal proposals. I therefore find that the development would have a harmful effect on highway safety. The proposal would therefore be contrary to Policies D13 and D14 of the Sedgemoor Local Plan 2011 – 2032 (adopted 2019), which seek to enhance road safety and ensure that development proposals provide safe access to roads.

Conclusion

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

Nick Davies

INSPECTOR