



Appeal Decision

Site visit made on 24 September 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019.

Appeal Ref: APP/R3325/W/19/3231105

Land on East Side of Stoodham, South Petherton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Anne Yerbury against the decision of South Somerset District Council.
 - The application Ref 18/01481/OUT, dated 8 May 2018, was refused by notice dated 28 March 2019.
 - The development proposed is for the erection of six dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved for future consideration. Two indicative layouts were provided showing either 6 or 7 dwellings could be provided on the site. However, the Council determined the application on the basis that outline permission was sought for 6 dwellings. I have determined the appeal on the same basis.

Main Issues

3. The main issues are the effects of the proposed development on:
 - highway safety.
 - the character and appearance of the area.

Reasons

Highway safety

4. Stoodham is a residential estate served by a spine road with a cul-de-sac arrangement located in the settlement of South Petherton. As well as providing access to the appeal site, it serves, in excess of 80 existing dwellings. Where Stoodham meets its junction with Silver Street, the road is narrow with a width between 3.7m and 4m, whilst the visibility at the junction is restricted in both directions by boundary walls and vegetation. The visibility falls well short of that required by Manual for Streets in a 30mph speed limit area. Furthermore, there is no pedestrian footway along Stoodham where it approaches Silver Street. Although the County Highways Officer did not object to this scheme, he

has expressed concerns with the visibility and width of Stoodham, whilst recognising the conflict between vehicles and pedestrians at the junction.

5. The Appellant considers that the addition of 6 dwellings would be acceptable given that it would result in very low volumes of additional traffic using the junction as confirmed by their peak morning hour data (08:00-09:00). However, the increase in dwellings would also include vehicle movements associated with visitors and deliveries, in addition to the movements from resident's vehicles. All would result in increased use of the substandard junction.
6. Manual for Streets states that the use of substandard junctions that are below visibility requirements can be acceptable unless there is local evidence to the contrary. In this case the Appellant has relied on the low level of vehicle movements and an accident history that accounts for one personal injury collision in 20 years near the junction. It is acknowledged that accident data can be a useful indicator of the safety of a junction, however, it does not account for vehicle collisions where no injury has been accounted for.
7. That said, there is anecdotal evidence from local residents referring to numerous near misses and unrecorded incidents, one of which involving injuries sustained to a pedestrian. There are also accounts of vehicles having to dangerously reverse back into both Silver Street and Stoodham when they have met oncoming vehicles at the junction, and I observed this at the time of my site visit. I generally found, during my site visit, highway conditions and the environment around the junction to be disorderly which at times created hesitation and uncertainty from motorists resulting in unsafe manoeuvres. A further 6 dwellings and their associated vehicle movements in and around a substandard junction would lead to an increase in the likelihood of these events occurring and result in a risk to the safety of all road users.
8. The Appellant has suggested improving the visibility at the junction, however, the County Highways Officer considered that the proposals would have adverse safety impacts and would not lead to an improvement. From what I have seen on the submitted drawings and observed during my site visit I have no reason not to agree with this view.
9. The proposed development is likely to result in additional pedestrian movements, as local amenities are within easy walking distance of the site. There is no pedestrian footway where Stoodham meets Silver Street, however, the Appellant considers that a safer alternative through the estate would be acceptable. However, this footpath has steps that would not be suitable for all users, for example those with prams and mobility scooters. Therefore some future residents may have no other option but to travel along Stoodham on what is an unappealing and hazardous route where there would be a likelihood of meeting on coming vehicles.
10. The inadequate and unsafe conditions at the junction for vehicles, pedestrians and those with mobility problems are well below accepted highway standards and the effect of six further dwellings with their associated movements and pedestrian activity would have a detrimental effect on highway safety. Whilst it is accepted a further 6 dwellings is a low number as a proportion of the existing houses served by the Stoodham/Silver Street junction, they would still increase its use which in turn would increase the highway risks associated with it.

11. Reference has been drawn to a precedent established by the Council in approving 10 dwellings with vehicular access from Silver Street onto Stoodham. However, I do not have full details of the circumstances that led to this proposal being accepted and so cannot be sure that it represents a direct parallel to the appeal proposal. I am unable to attach significant weight to this decision either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance and that other developments do not lead me to a different conclusion in respect of the appeal proposal.
12. I conclude that the proposal would have an unacceptable harmful effect on highway safety by reason of the effect on the safe and efficient operation of the highway network. This would be contrary to Policy TA5 of the South Somerset Local Plan (2006-2028) (the SSLP) which requires development proposals to secure inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all. This policy is also consistent with the Framework, which requires development to ensure a safe and suitable access to the site for all users.

Character and appearance

13. The appeal site is on the north east edge of the settlement of South Petherton and is part of a large arable field fronting Stoodham and Mere Lynch Close. A tall line of trees and hedgerow currently marks the site's roadside frontage. To the south of the site are further dwellings that face onto Stoodham. To the north are agricultural fields, while to the east is the arable field the site is located within. The rear boundary of the site merges into the arable field and is not represented by any physical feature to provide enclosure of the site.
14. The site is included in the 'Peripheral Landscape Study – South Petherton (2008)' (the LS). This was prepared as part of the evidence base for the preparation of the emerging Local Plan. Information within it is therefore relevant to my assessment of the appeal proposal insofar as it seeks to identify where development could be accommodated around the village. The study identified the site within a landscape that has a low capacity to accommodate built development, due to its prominence when viewed from the north east. Whilst the study has not followed a best practice methodology, nor has it been updated to reflect new development, it nevertheless provides evidence of the landscape and visual characteristics of the edge of the settlement. Where the study relates to the appeal site, I consider the analysis to be consistent with what I saw during my site visit and therefore material to my assessment.
15. I consider that the presence of the site's frontage trees and hedgerow forms a natural backdrop to this part of South Petherton. It softens the presence of the built environment adjacent to the appeal site and makes a valuable contribution to the area's character and appearance. It also forms a long and unbroken natural boundary with the more open, undeveloped pastoral landscape to the north and east of the site. This visually prominent frontage is visible from the public right of way (PROW) adjacent to the site, from the highway and from within dwellings along this part of Stoodham.
16. The proposed development would necessitate the removal of the site's frontage trees and hedgerow to make way for driveways and the built aspects of the proposal, thereby resulting in the loss of an extensive verdant boundary

feature. Its loss would be clearly seen from Stoodham, from within adjacent dwellings and from the PROW. The removal of this substantial natural backdrop at this edge of settlement location would be harmful to the character and appearance of the area.

17. It is acknowledged that there would be scope to mitigate the loss of the frontage trees/hedgerow through a landscape scheme, and replacement planting along the site's rear boundary are shown on the indicative layout. However, the site is shallow in depth, particularly along its southern half. It would therefore be difficult to achieve acceptable landscaping, whilst also ensuring adequately sized gardens depths that would be free from shading and significant encroachment from any new trees. Even where planting could be re-established along the site's rear boundary, it would not be a satisfactory substitute for the loss of the existing roadside hedge/trees. Furthermore, any improved biodiversity brought about by replacement landscaping would not outweigh the harm referred to.
18. I accept that the LVIA indicates that long range views of the site would be limited especially from the core of the village, and that the condition of the landscape holds little value. However, in this part of the village the site frontage is distinctive in terms of its uninterrupted nature and linear appearance. Consequently, in the context of its surroundings, its loss would be detrimental to the character of the area.
19. The proposed dwellings could be designed to be consistent with neighbouring properties, whilst extending the built form on the eastern side of Stoodham. However, the proposal would still be an encroachment into the open countryside and would not represent an acceptable integration with the surrounding built development.
20. Therefore, I conclude that the proposal would significantly harm the character and appearance of the surrounding area. As such, it would not accord with Policy EQ2 of the SSLP where it requires development to reinforce local distinctiveness and respect local context and conserve and enhance the landscape character of the area. Insofar as relevant to the appeal, this policy is consistent with the Framework where it, requires development proposals to be sympathetic to local character, including the surrounding built environment and landscape setting.

Conclusion

21. The Council accept that they are unable to demonstrate a five-year supply of deliverable housing sites. However, I have concluded that the proposal conflicts with development plan policies relating to highway safety and design. I have found these policies to be consistent with the Framework's aims of providing safe access and promoting good design. There are therefore no considerations, including the shortfall of housing land supply, which outweigh the conflict with the development plan.
22. I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR