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# Appeal Decision

Site visit made on 3 December 2019

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

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

**Decision date: 09 December 2019**

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**Appeal Ref: APP/D0121/W/19/3237000**

**Land to rear of 4 Kingshill, Chapel Barton, Nailsea, North Somerset**

- 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 Chris Logan against the decision of North Somerset Council.
  - The application Ref 18/P/3009/FUL, dated 17 April 2018, was refused by notice dated 15 March 2019.
  - The development proposed is a new dwelling.
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The appeal site address has been taken from the appeal form as this more clearly establishes the site than the information on the application form.

## Main issue

3. The effect of the proposal on highway safety, having particular regard to the adequacy of the access visibility splays, manoeuvring space and parking provision.

## Reasons

4. The appeal site is a vacant parcel of land with an existing access that has restricted visibility. The access is from Rock Avenue, a narrow road with no pavements outside the appeal site.
5. Although the road is subject to a 30mph speed restriction, based on the observed road conditions and recorded speeds, the parties agree that visibility splays can be set on speeds of 16.4mph. Manual for Streets (MfS) guides that this requires a stopping sight distance of at least 18 metres in each direction. I note that these are minimums.
6. The appellant's proposed visibility splays diverge from the guidance within MfS. Firstly, they propose to take the minor arm set-back distance of 2.4m from the edge of the vehicle swept path<sup>1</sup>. This would require any driver to edge out onto the narrow road prior to gaining adequate visibility. Secondly, they propose to take the major arm up to the centre line of the illustrated vehicle swept path. This is some way from either the inside wheel track or the nearside

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<sup>1</sup> Reference drawing JNY9741-01 Rev A

carriageway edge, which are both referenced in guidance relating to the major arm visibility requirements.

7. Whilst I can agree that evidence indicates that the usual visibility splay standards are excessive here, from my own observations and the evidence provided I do not consider that the road conditions warrant reducing them to the degree that the appellant proposes. Therefore, I find that the visibility splays would not be adequate and result in a highway safety issue.
8. The proposal shows no provision for turning on-site. Therefore, it would be necessary for a vehicle to use the highway to manoeuvre in and out of the parking space. I have been provided with no evidence, such as a swept path analysis, to demonstrate how people may reasonably utilise the proposed parking space. Given the limited visibility, on-site space and road width I consider that manoeuvring is likely to be prejudicial to highway safety.
9. The proposal would introduce a two/three-bedroom dwelling and provide only 1 on-site parking space. The North Somerset Parking Standards Supplementary Planning Document– Adopted November 2013 (NSPSSPD) sets out a minimum requirement for two spaces to serve the proposal. I afford this guidance some weight. Furthermore, I have noted only limited services and facilities in the immediate area and no justification to merit a reduction in those standards. Therefore, having regard to these factors, I consider that the proposal would not provide adequate parking provision to meet the needs of the development.
10. Parking on the road at this point, where the width of the carriageway is limited, would cause significant obstruction to users of the highway. Furthermore, I have observed parking restrictions to the west of Rock Avenue and high levels of on-street parking to the east on the more suburban streets. Additional parking on neighbouring roads would lead to its own highway safety issues.
11. I am mindful that the highway is also used by pedestrians and cyclists who do not have any dedicated footpath or cycleway. Whilst the scheme may provide some additional refuge for pedestrians and cyclists, for the reasons set out above I consider that the scheme would likely be prejudicial to the safety of all road users. Furthermore, the proposal would generate its own pedestrian and cycle movements which compounds the harm.
12. The appellant sets out that they would prefer to provide two car parking spaces. However, their evidence confirms that the proposal has been determined on the basis of 1 space. Therefore, I have proceeded on that basis, noting that additional spaces would likely have similar, or worse, visibility provision. Additionally, the appellant suggests that the proposal would improve site access over the existing, for which there is no accident data. However, the existing use of the site is not commensurate with the movements from a new dwelling and so I afford this little weight. Finally, the appellant has directed me to other accesses, including 20 Silver Street, as justification for their proposal. I have made observations of the local area, including no 20 and the nearby car parks serving the Nailsea Social Club and Moorend Sprout public house. I have found that the circumstances are not the same as the appeal site and therefore I have determined this matter on its own merits.
13. In conclusion on the main issue, the proposal by reason of the inadequate access visibility splays, manoeuvring space and parking provision would have a harmful effect on highway safety. Therefore, the proposal would be contrary to

Policies CS10 and CS11 of the North Somerset Council Core Strategy – Adopted January 2017; Policies DM24, DM28 and DM37 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 – Adopted July 2016 and guidance within the NSPSSPD. These seek, amongst other aims to ensure development does not prejudice highway safety and provides adequate parking facilities to meet the needs of the development.

### **Other matters**

14. The Council have raised their lack of 5-year housing land supply, stating that the 'tilted balance', required by paragraph 11 of the National Planning Policy Framework (the Framework), should be engaged. The appellant has made no submissions on the matter. I have limited information on the degree of shortfall, however based on the cited appeal<sup>2</sup>, which is the only evidence available to me, I consider that there is a 4.4-year housing land supply for the area.
15. The proposal would have some benefits, for example, through the provision of a single dwelling and the associated employment generated through the construction process. However, I afford this only modest weight given the limited scale of the development. Furthermore, I note that the appellant sets out that the proposal would enhance the character and appearance of the designated Nailsea King's Hill Conservation Area. However, it is a statutory requirement for development to preserve or enhance the character or appearance of conservation areas. Furthermore, I am mindful that a no development scenario would conserve the significance of the asset as well. Therefore, even if I were to conclude that the proposal would provide such enhancement, I afford this limited weight in any balance.
16. I consider that the most relevant policies of the development plan have consistency with the Framework. Paragraph 105 of the Framework sets out factors to be considered in setting local parking standards. Additionally, paragraph 108 requires that development should ensure that safe and suitable access to the site can be achieved for all users. Furthermore, paragraph 109 states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. Given the consistency I consider that the development plan policies should be afforded significant weight.
17. Therefore, even if I were to conclude that there is a shortfall in the five-year housing land supply on the scale suggested by the Council, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of providing a single dwelling, when assessed against the policies of the Framework as a whole.

### **Conclusion**

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

*James Taylor*

INSPECTOR

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<sup>2</sup> APP/D0121/W/17/3184845