



Appeal Decision

Site visit made on 15 October 2019 by Alex O'Doherty LLB(Hons) MSc

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/X1118/D/19/3231043

114 South Street, Braunton EX33 2AS

- 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 Brian Wallis against the decision of North Devon Council.
 - The application Ref 65841, dated 11 November 2018, was refused by notice dated 10 April 2019.
 - The development proposed was originally described as, "We wish to remove the front garden wall and provide a single car parking area within the property boundary. We will be able to enter and exit the area in forward gear as required."
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Decision

- 1) The appeal is allowed and planning permission is granted to remove garden wall to provide car parking space within garden (revised parking layout) at 114 South Street, Braunton EX33 2AS in accordance with the terms of the application, Ref 65841, dated 11 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NDC001, NDC002, NDC003, NDC004, NDC005.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The parking area shall not be used until the area shown coloured red on drawing no. NDC005 has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appeal from describes the proposal as, "remove garden wall to provide car parking space within garden (revised parking layout)". As this description more

accurately describes the proposal, the appeal has been considered on this basis.

Main Issue

4. The effect of the use of the proposed access on highway safety including the safety of other road users.

Reasons for the Recommendation

5. South Street within the vicinity of the appeal site is of single vehicle width and the flow of traffic along this section of the road is one-way. It is subject to a 20mph speed limit. There are double yellow lines on both sides of the road, traffic islands close to the appeal site and a hatched area opposite. There is a pavement close to the appeal site on the opposite side of the road and a solid white line runs between the front boundary of appeal property along the length of the road.
6. The area to the front of the property would allow for 2 vehicles to park side by side. There would however be insufficient space to allow these vehicles to turn within the site so that they could exit the area in a forward gear. Whilst this situation would conflict with the guidance set out within the Highways Development Management Advice For The Determination Of Planning Applications (Devon County Council) (August 2008), where a driveway leads onto a Residential Transition Road, it is clear from this document that there is an element of discretion in applying these standards.
7. I observed that given the distance of the appeal site from the curvature in the road that there was good visibility along it. Drivers of vehicles using the access would be able to see other road users when exiting or accessing the car parking spaces, and other users of the highway, including approaching vehicles, pedestrians, cyclists and horse riders would have adequate warning of any vehicle manoeuvres in or out of the proposed access. Vehicle movements into the site would be likely to be of low speed and vehicles travelling in the road would also be travelling at low speed.
8. Given these conditions and the likelihood that the nearby traffic island would serve as a traffic-calming measure, which slows traffic using the road and draws it away from the side of the road where the appeal site is located, it is unlikely that the use of the new parking area would result in conflict with other road users. The presence of street lighting would secure the safety of all road users including pedestrians and cyclists at night-time.
9. A number of other access drives exist on this stretch of South Street. However, in the absence of substantive evidence to demonstrate otherwise, the use of the new parking spaces would have a minimal additional impact on the free flow of traffic along the road, given the likely number of vehicle movements associated with its use. The residual cumulative impacts of its use on the road network would not be severe. The Council referred to other proposals where highway safety was an issue, but as no details have been provided, those proposals have not altered my assessment.
10. I observed a vehicle parked on the hatched white lines opposite the site, despite the presence of double yellow lines. In my view, the potential for vehicles to park in that area does not materially change the safety risk to users of South Street, because vehicles travelling along the road would be avoiding

the white lined area in any event, and due to the distances involved are far more likely to wait whilst a vehicle manoeuvred outside No 114 than attempt to enter the white lined area. Taking all the above into account, I consider that the proposal would not have an unacceptable impact on highway safety. In reaching this conclusion it is noteworthy that the Highway Authority found that the proposed car parking layout before me was acceptable.

11. In conclusion I find that the use of the new parking spaces would not result in harm to highway safety, including the safety of other road users. The proposal complies with Policy DM05 of the North Devon and Torridge Local Plan 2011-2031 (adopted October 2018) which seeks to ensure safe and well-designed vehicular access and egress, which considers the needs and accessibility of all highway users including cyclists and pedestrians. Moreover, there would be no conflict with the National Planning Policy Framework (Framework) which requires, amongst other matters that a safe and suitable access to the site can be achieved for all users.

Conditions

12. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. I have considered the conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
13. A condition is necessary requiring that the development is undertaken in accordance with the approved plans to provide certainty. A condition is also necessary controlling external materials to secure an acceptable appearance for the development. Braunton Parish Council recommended approval of the appeal subject to a permeable surface being installed, and I note that the plans refer to a proposed soakaway. I concur that a condition relating to drainage of the parking area is necessary to prevent surface water runoff onto the public highway.

Conclusion and Recommendation

14. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed with the suggested conditions.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

RC Kirby

INSPECTOR