
Appeal Decision

Site visit made on 1 October 2019

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/Z0116/D/19/3234081
657 Muller Road, Horfield, Bristol BS5 6XS

- 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 Luigi Armato against the decision of Bristol City Council.
 - The application Ref 19/01093/H, dated 4 March 2019, was refused by notice dated 3 June 2019.
 - The development proposed is drop pavement and remove front wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and proposal description from the planning application form although I note these are expressed differently on other documents.
3. The description of the proposed development provided on the planning application form indicates that the proposal would involve the creation of a drop pavement that would encompass works to the pedestrian highway to create a dropped kerb access onto Muller Road. In addition to the removal of the existing front wall the drawings show the front garden area would be hardsurfaced. For the purposes of clarity, I have considered these elements collectively as part of the proposed scheme.

Main Issues

4. The main issues raised in respect of the appeal are the effect of the proposed development on: -
 - (a) Highway safety;
 - (b) The character and appearance of the area;
 - (c) Trees; and
 - (d) Flood risk.

Reasons

Highway safety

5. Muller Road is a classified B highway and I observed that it is an extremely busy road used by all types of vehicles, buses, cyclists and pedestrians. There is unrestricted parking along both sides of Muller Road within the vicinity of the appeal site. It was evident at my visit that vehicles parked either side of the highway narrow the vehicular carriageway. In addition, there is a bus stop to the west of the appeal site that serves regular bus services. The demarcation of the bus stop overlaps part of the frontage of No 657. There is also a mature street tree within the pavement just west of the appeal site. Further to the west there is a cross-road junction (Muller Road and Glenfron Road) controlled by traffic lights and further to the east is the Eastville roundabout where Muller Road joins the M32 and vice versa.
6. The proposed off-street parking would require motorists to manoeuvre to and from the hardsurfaced parking area within the property frontage onto and from a heavily trafficked Muller Road. Parked vehicles, the narrowness of the vehicular highway, buses regularly stopping near or outside the proposed crossover and the street tree adjacent the appeal site would all contribute to impeding the visibility of vehicles, cyclists and pedestrians to those accessing and leaving the parking area. This would put all highway users at increased risk of vehicle collision and/or accident. The busy and congested nature of vehicular traffic along Muller Road adds significantly to the risk. I, therefore, consider that the proposal would give rise to unacceptable highway risks to both those using the public highway and those using the parking area. This would be so whether vehicles were to reverse from the proposed parking space onto Muller Road or exit in a forward gear, mindful that a driver would be required to reverse into the parking area in the first instance.
7. The appellant points out that parking has been a problem and that presently to park on Muller Road one must normally parallel park on this busy highway and, as such, the appellant is extra cautious already. It is also said that not all vehicle drivers and pedestrians are accommodating or patient. I acknowledge that this may be the case, but this does not justify an alternative parking arrangement to accommodate the appellant's vehicles that would, in its own right, give rise to unacceptable highway risks.
8. The appellant has provided photographs in support of the appeal submission, but these photographs have not been supported by addresses that would enable me to determine where they are and what relationship they would have to the appeal site. Notwithstanding this, from my observations at my site visit I was able to pick out that some of those examples related to properties some distance east and west of the appeal site on the same side of Muller Road, as well as a property painted green at the junction of Muller Road and Glenfron Road.
9. Of those examples on Muller Road, from what I saw only one property with an off-road hardsurfaced area benefited from a dropped kerb highway crossover. The hardsurfaced forecourt relating to the green property at the junction has a low kerb and a short section of dropped kerb at Glenfron Road. The adjacent highway to that site hosts yellow hatching or double yellow lines that would prevent on street parking from taking place. It does not appear to me that the examples provided by the appellant are located within the immediate vicinity of

the appeal site and cannot, therefore, be directly comparable for this reason as different circumstances will apply to those of other location examples. I therefore give the examples limited weight.

10. The appellant contends that some of those other driveway accesses onto Muller Road have more restricted visibility onto the main road than that of the proposed access. However, the applicant also advises that the Council's application portal does not indicate that those accesses have planning permission. As such, I cannot be certain that those accesses onto Muller Road are lawful and this, therefore, would significantly reduce any weight that could be attributed to any of those examples.
11. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore, conflict with Policy BCS10 of the Bristol Development Framework Core Strategy (the Core Strategy) 2011, Policy DM23 of the Bristol Local Plan Site Allocations and Development Policies (the Site Allocations and Development Policies) 2014 and A Guide for Designing House Alterations and Extensions Supplementary Planning Document (SPD) Number 2 2005. These policies seek, amongst other matters, development to provide an appropriate level of safe and adequate access onto the highway network and new parking areas should provide an appropriate level of safe, secure and usable parking provision. SPD Number 2 also requires the position for hardstanding car parking and associated pavement crossover to be given careful consideration as this may generate a safety hazard to passing pedestrians and/or other vehicles and vehicles manoeuvring in and out.

Character and appearance

12. The appeal property forms a central part of a terrace of residential properties. I saw that along this part of Muller Road the character of the terraced properties on both sides of the road is one of dwellings set back from the highway behind enclosed front garden areas. In the main the properties have retained their enclosed frontages and overall there is a constancy to the frontages of properties. These enclosed garden frontages contribute to the distinctiveness to this part of Muller Road's local character and they contribute positively to the appearance of the streetscene.
13. The removal of the front wall in its entirety and hardsurfacing the front garden would have a detrimental visual impact upon the appearance of this streetscene. The proposal would create an open hardsurfaced frontage encompassing parked vehicles out of keeping with the existing character and appearance of the locality. Consequently, the proposal would be visually harmful for these reasons.
14. The appellant, as noted above, has provided photographs in support of the appeal submission. However, it does not appear to me that any of those examples relate to the terrace to which the appeal property forms part, or to the terrace opposite. I, therefore, give them limited weight.
15. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policy BCS21 of the Core Strategy, Policies DM21, DM26, DM27, DM28 and DM30 of the Site Allocations and Development Policies and SPD Number 2. These policies and SPD seek, amongst other matters, development to contribute positively to local character and

distinctiveness. The policies also require development involving front gardens to ensure that the character of the street is not harmed and that appropriate boundary treatments and planting are retained.

Trees

16. The proposed parking area and highway crossover would be positioned in extremely close proximity to the pavement street tree. This appears to be a mature tree and is a prominent feature of the streetscape. The Council's Arboricultural Team has highlighted that the ground works relating to the proposed development would likely be within the root protection zone of this tree and such works could negatively impact upon the health of the tree. I have not been provided with any substantive evidence or information that would clearly demonstrate that the roots of the tree would be protected or would not be harmed if the development were to take place. Consequently, I cannot be certain that the tree would not be harmed as a result of the proposed development.
17. Given the pleasing visual contribution the tree makes to the streetscape, if the development were to negatively impact upon the health of this tree such that might result in its wellbeing and longevity being negatively impacted, this would be a further harm resulting from the proposed development. The loss of this tree would conflict with Policies BCS9, BCS11 and BCS21 of the Core Strategy, Policies DM15, DM17, DM26, DM27 and DM29 of the Site Allocations and Development Policies and the Planning Obligations SPD 2013. The policies and SPD seek, amongst other matters, all new development to integrate important existing trees into development proposals.

Flood risk

18. The proposal would involve the hardsurfacing of the garden frontage to facilitate off-road parking. The planning application form indicates that the vehicle access and hardstanding would be finished in tarmac. However, the appellant has advised that another more suitable permeable surface option is being looked at, although I have not been provided any specific details as to what this option may be. It is also said that two drains would accommodate the excess water and an extra drain could be included, noting that there is already a main storm drain directly in front of the planned driveway for additional run off.
19. It appears to me that there may be, with further exploration of surfacing materials and drainage methods, a suitable solution to surface water run-off from the proposed parking area. However, at this point in time a satisfactory resolution to the Council's concern in relation to potential surface water run-off from the hardsurfaced area and the potential of this to cause inconvenience as a result of flooding elsewhere has not been demonstrated. I cannot, therefore, be certain that harm arising from flooding, either at the site or elsewhere, would not occur. For this reason, I conclude that the proposed development would conflict with Policy BCS16 of the Core Strategy. This policy seeks, amongst other matters, development to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere.

Other Matters

20. I commend the applicant's support toward zero carbon emissions by driving an electric car and incorporating an electric plug as part of the proposed scheme. I accept that this is a merit of the proposed scheme. Nonetheless, I do not find that this environmental benefit would outweigh the harm that I have identified above to highway safety, the character and appearance of the area and to the street tree or justify the development, even if my concerns relating to potential flooding were overcome.
21. Concern is expressed by the appellant to being made an example against others as he has followed the correct planning procedures. There is no clear indication before me that this is indeed the case. Notwithstanding this, the appellant is bound by the planning legislation and processes that are in place, irrespective of the actions other individuals may have taken.

Conclusion

22. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR