
Appeal Decision

Site visit made on 18 February 2020

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/Z0116/D/19/3241626

690 Wells Road, Hengrove, Bristol, BS14 9HX

- 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 Mrs Joanne Hallett against the decision of Bristol City Council.
 - The application Ref: 19/02745/H dated 5 June 2019, was refused by notice dated 19 September 2019.
 - The development proposed is described as a 'dropped kerb'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the safety and convenience of users of the adjacent highway network.

Reasons

3. The appeal property is one of a pair of semi-detached dwellings set back from Wells Road with a stone wall along the back edge of the footway forming the front boundary. The front garden of the property is currently mainly grassed with a telegraph pole located just behind the wall. Wells Road is a classified road (A37) and subject to a 30 mph speed restriction in the vicinity of the appeal property. At the time of my site visit in the early afternoon it was quite busy, and it is likely that it would be busier at peak times during the day. Just to the north of the appeal property is a light-controlled pedestrian crossing.
4. Immediately to the north of the appeal property is 684 Wells Road (No 684), which has a single-storey wing extending alongside the common boundary to the back edge of the pavement, in line with the wall to the frontage of the appeal property. Although the appellant contends that the end wall of this wing is more than 2.4 m from the carriageway, the width of the footway at this point is comparable to that outside the appeal property, which the submitted Planning Drawing indicates is approximately 1.86 m.
5. I observed during my site visit that this wing significantly restricts the view of oncoming traffic from the north from a point approximately 2.4 m back from the kerb close to the building. The appellant has not demonstrated that a visibility splay of 2.4 m x 43 m to provide adequate visibility can be achieved. Notwithstanding the appellant's suggestion that it would be possible for a vehicle exiting the appeal property to 'look and creep', this lack of visibility

- would be hazardous for both the occupants of vehicles exiting the property and other users of the highway, including bicycles.
6. The appellant has submitted plans and a photograph of the appeal property. However, no drawing has been submitted showing how a vehicle that entered the property in forward gear could manoeuvre so as to be able to exit the property in forward gear, at least without complex manoeuvres around the projecting single-storey element to the property that would be likely to deter the driver of the vehicle from undertaking them.
 7. I note that the property neighbouring the appeal property to the south, 692 Wells Road (No 692) has a dropped kerb and comparable area to the front, but I have no evidence that vehicles can manoeuvre on the area to the front of this property to enter and leave this property in forward gear. Accordingly, I cannot be confident that the proposed development would not lead to vehicles overrunning the footway when attempting to manoeuvre and either exiting the appeal property in reverse gear or stopping on the highway so as to reverse into the driveway.
 8. It is clear to me that either of these manoeuvres would be dangerous for the occupants of the vehicle undertaking the manoeuvre and other users of the highway. The proximity of the appeal property to the pedestrian crossing would exacerbate the danger with potential conflicts between users of the crossing and vehicles exiting the property.
 9. I saw during my site visit that the access to the car park of St Bernadette's Church opposite the appeal property is close to the pedestrian crossing as is the access to Little Thatch Close. However, neither are as close as the appeal property and both offer easier ability to manoeuvre vehicles so as to exit in forward gear. No 692 is also further away. The appellant's contention that at least 8 other homes on Wells Road have dropped kerbs closer or the same distance as the appeal property to the crossing is not supported by evidence or my observations during my site visit.
 10. I note the appellant's contention that there are many other properties with dropped kerbs and driveways on Wells Road, some in far more dangerous scenarios, but no specific examples of the latter have been identified. I did observe during my site visit that other properties in the vicinity of the appeal property have accesses directly off Wells Road, including No 692. However, those that I saw benefit from greater visibility in both directions and so are not directly comparable to the appeal property. Consequently, they do not set a precedent for the proposal before me given its particular circumstances. Even if there are other properties with dropped kerbs in more dangerous locations, this would not justify the creation of an additional hazard to users of Wells Road.
 11. I therefore conclude that the proposed development would have a detrimental effect on the safety and convenience of users of the adjacent highway network. In this respect the proposal would be contrary to Policy BCS10 of the Bristol Development Framework Core Strategy (2011), which requires, amongst other things, developments to be designed and located to ensure the provision of safe streets. The proposal would also be contrary to Policy DM23 of the Bristol Local Plan - Site Allocations and Development Management Policies (2014), which sets out, amongst other things, that development will be expected to provide safe and adequate access onto the highway network.

12. Furthermore, the proposed development would conflict with paragraph 108 of the National Planning Policy Framework (the Framework) which requires, in assessing specific applications for development, it be ensured that safe and suitable access can be achieved for all users. Paragraph 109 of the Framework provides for development to be refused on highway grounds if there would be an unacceptable impact on highway safety. From the evidence before me, I consider this would be the case were permission to be granted.

Other Matters

13. The appellant's desire to provide a convenient parking area for herself and her family given the inability to park on Wells Road outside or near her property due to parking restrictions is acknowledged and I note the support for the proposal from the occupiers of No 692. However, from the evidence before me, the appeal property already benefits from a parking space to the rear, accessed via Little Thatch Close. The blocking of this space by other cars is a matter outside the scope of this appeal and, in any event, does not justify the proposed development given my conclusions above.
14. From the evidence before me, both No 684 and St Bernadette's Church opposite the appeal property are listed as Grade II on the National Heritage List for England (NHLE). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of listed buildings. In addition, paragraph 193 of the Framework requires, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight to be given to the asset's conservation. However, as I am dismissing this appeal on the substantive issue, I do not need to consider this matter further.

Conclusion

15. For the reasons given above, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR