



Appeal Decision

Site visit made on 27 December 2019 by Ben Phillips Bsc Msc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/F0114/D/19/3240700

5 Lansdown Lane, Upper Weston, Bath, BA1 4LS

- 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 Lee Caple against the decision of Bath and North East Somerset Council.
 - The application Ref 19/02888/FUL, dated 26 June 2019, was refused by notice dated 20 August 2019.
 - The development proposed is described as vehicle access with a single drop down kerb to 5 Lansdown Lane.
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Decision

1. The appeal is dismissed.

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.

Main Issue

3. The main issue in this case is the effect of the use of the proposed access on highway safety.

Reasons for Recommendation

4. The appeal property is located within a residential area of Upper Weston, on the corner of Lansdown Lane and High Street, which incorporates a roundabout junction. The semi-detached property is set back from the highway on the junction and a bus stop is located to its front.
5. The new vehicle access would allow drivers of vehicles to park at the front of the appeal property. In order to access the parking area drivers of vehicles would need to cross the pavement and the existing hatched bus stop area.
6. In the event that a bus was parked at the bus stop, drivers of vehicles wishing to enter the parking area would need to wait for the bus to move before they could access this space. This could result in vehicles stopping in the carriageway of the roundabout which would cause an obstruction to other road users. Whilst vehicles using the roundabout would be likely to be travelling at low speed, a stationary vehicle would be likely to cause disruption to the flow of traffic on it and there would be a high probability that vehicle collisions could occur as a result.

7. Whilst noting that the appellant considers that vehicles could turn within the site and leave the parking area in a forward gear, limited information has been provided to substantiate this. Even if it were the case, direct access onto the roundabout junction would be likely to increase the risk of conflict with other highway users, because vehicles would be entering the roundabout at a point where other road users would not be expecting vehicles to join. The use of the new vehicle access could cause drivers of vehicles using the roundabout to brake suddenly which would be likely to lead to a risk of collisions on this stretch of highway.
8. As pointed out by the appellant, there are nearby examples of driveways with no turning areas, including one with a hatched bus stop directly in front of the access at No 4 Lansdown Lane and access off the roundabout area opposite the appeal property. However, I have not been provided with the individual circumstances which led to these accesses being provided and they do not appear to me to be examples of safe access points. Moreover, the circumstances of each is not directly comparable to the proposed access with its proximity to the roundabout and bus stop. They do not therefore provide justification for the appeal proposal.
9. I note the submissions that the proposed access would have the potential to deter cars from pulling in to the bus stop or upon the public footway, however this is unsubstantiated, and even if it were the case, this would not justify the risk of disruption and conflict outlined above.
10. In light of the above, I conclude that a safe and suitable access would not be provided to the host property. The proposed access would have a detrimental impact upon highway safety contrary to Policy ST7 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy and Placemaking Plan, which requires that development provides a suitable vehicle access and is not prejudicial to highway safety. The proposal also conflicts with paragraph 108 of the National Planning Policy Framework in this regard.

Conclusion

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

B Phillips

APPEALS PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR