



Appeal Decision

Site visit made on 3 December 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2020

Appeal Ref: APP/Z0116/W/19/3236764

22 Devonshire Road, Westbury Park, Bristol BS6 7NJ

- 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 Dr P Harfield against the decision of Bristol City Council.
 - The application Ref 19/02015/F, dated 26 April 2019, was refused by notice dated 26 July 2019.
 - The development proposed is conversion of an existing HMO back into a single dwelling house plus a gate and shed to the garden.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Dr Philip Harfield against Bristol City Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have taken the description of development from the Council's decision notice as this accurately reflects the amended proposal rather than that described on the application form. This is due to the amendments to the scheme as part of the planning application to include a gate and shed to the garden rather than a garage as originally proposed.
4. The Council's decision notice refers to the effect of the proposal on the use of the garage for the adjacent occupiers No 22. It is clear from the evidence that this relates to No 20 rather than No 22 which is the appeal property. Therefore, I have dealt with the appeal on that basis.
5. I observed on my site visit that the conversion of the existing HMO to a single dwelling was underway including the side extension. Accordingly, I am dealing with this element of the proposal on that basis.

Main Issue

6. The main issue is the effect of the proposal on highway and pedestrian safety for users of Florence Lane.

Reasons

7. The appeal property is a two-storey mid terrace HMO, which has a large detached double garage to the rear garden which is set back from the rear service lane. The proposed Change of Use from a HMO back to a single residential dwelling is acceptable given this is a residential area. The infill extension would match the form and proportions of the adjoining dwellings and it would be subservient to the host building. Therefore, the proposed alterations are acceptable to the character of the host dwelling and the wider terrace. Consequently, the proposed change of use of the property to a single dwelling together with the infill extension is acceptable. I turn now to the proposed gate and shed to the garden.
8. Florence Lane is a narrow service lane serving the rear of the properties along Devonshire Road and Florence Park. The lane in this location is relatively straight with good visibility along it. Properties along the lane have predominantly built out to their rear boundaries adjoining the lane, with many containing garages or gates to provide rear parking, some with splays to both sides and some set back from the lane. I observed cars using this lane and also leaving rear parking areas. This is not surprising given the apparent pressure for on street parking in the area. The rear boundaries of the appeal property and the adjacent No 20 Derbyshire Road (No 20) differ from the predominant character with a generous set back from the lane to enable access to the existing garages.
9. The proposed gate would be located at an angle to the lane mirroring the arrangement of the neighbouring No 24 to enable access given the constrained nature of the lane. This arrangement would allow adequate vehicular access to the rear of the appeal property and I do not consider this would pose unsafe manoeuvrability issues. Further, the arrangement would allow adequate visibility to the lane given the splay to both sides for vehicles entering and leaving the rear garden area. Consequently, I do not find harm to highway safety with regards to this part of the proposal.
10. The proposed shed would be built up to the boundary with No 20 and to the boundary with the service lane. Given the arrangement of the garage at No 20 being set back and the narrowness of the lane this would pose extreme difficulty for the occupiers to access their garage. The occupier of No 20 has stated they are a regular user of their garage to park their vehicle, and having observed the position of the proposed shed, the proposal would severely restrict visibility for the user of the garage when attempting to leave it in a vehicle.
11. The restricted visibility to one side of the garage would result in unsafe manoeuvres for the user when exiting the garage resulting in the potential for conflict between a vehicle exiting the garage and vehicles and pedestrians using the lane. I acknowledge the lane is limited to 20mph and cars will be travelling slowly along it, however the user would be unable to view the lane and to assess any potential conflict to one side before pulling out into the lane. Consequently, I consider the restricted visibility would be unsafe and would result in an unacceptable impact on highway safety. Further, in an area where there is apparent on street parking pressure, opportunities for off street parking in rear garages help relieve this to the benefit of all users of the highway.

12. I have acknowledged the appellant's point that under permitted development a boundary treatment may be able to be erected at the appeal property in the same location as the garage, which would have the same effect as to restrict visibility to the garage of No 20. However, whilst that maybe the case, there is nothing before me to indicate that should the appeal not succeed the appellant will implement a boundary treatment in the position of the proposed shed. I therefore give this limited weight. In any event my decision is based on the scheme before me and this would not outweigh the harm I have identified.
13. For the reasons outlined above the proposal would cause unacceptable harm to highway and pedestrian safety for users of Florence Lane. Therefore, the proposal would be in conflict with the overall aim and objectives of Policy BCS10 of the Bristol Development Framework Core Strategy (2011) and Policy DM23 of the Bristol Site Allocation and Development Management Policies Local Plan (2014). Amongst other matters these policies state that development should not give rise to unacceptable traffic conditions and will be expected to provide safe and adequate access for all sections of the community within the development and onto the highway network. It would also be at odds with the provisions of the National Planning Policy Framework which is aimed at securing safe and suitable access arrangements.

Other Matters

14. I recognise the appellant's intention that the proposal will allow them to increase their functional garden space to include bicycle storage. Further I observed graffiti on the garage and acknowledge the appellants point that removal of the setback may discourage anti-social behaviour. Whilst this may be the case, an enclosed area will then form outside the garage of No.20 which would have the same effect. However, I am not persuaded that removal of the setback would have a material impact on levels of antisocial behaviour. In any event, whether or not the setback encourages antisocial behaviour, this does not outweigh the harm I find the proposal has on highway and pedestrian safety for the reasons given above.

Conclusion

15. For the above reasons, the appeal is dismissed.

Stephen Thomas

INSPECTOR