



Appeal Decision

Site visit made on 26 May 2020 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: 1 July 2020

Appeal Ref: APP/D0121/D/19/3243896

2 Coombe Wood Cottages, Winscombe Hill, Winscombe BS25 1DG

- 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 and Mrs Ken Jefferys against the decision of North Somerset Council.
 - The application Ref 19/P/1897/FUH, dated 1 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is the excavation of garden embankment to provide roadside parking bay.
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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 Issues

3. The main issues are the effect of the proposal on highway safety, including the safety of other road users, and the effect of the proposal on the character and appearance of the surrounding area, including the Mendip Hills Area of Outstanding Natural Beauty ('AONB').

Reasons for the Recommendation

Highway safety

4. The highway adjacent to the location of the proposed parking bay is narrow. I observed that, at the location of the proposed parking bay, visibility is considerably restricted in both directions, due to the curvature of the road, and its topography. It is not the case that parallel parking in this location would improve visibility, as drivers exiting the parking bay would be relying on their mirrors to view any vehicles approaching from behind. Drivers would be required to cautiously edge their vehicles onto the road, having little warning of approaching vehicles.
5. Parked vehicles would be largely screened by the proposed retaining wall, to be positioned near the adjoining neighbour's garden. Because of this, and due to the curvature of the road and its topography, vehicles travelling north-west would have little warning of a vehicle pulling out of the new parking bay,

making the risk of collisions a real possibility. Vulnerable road users, such as cyclists and horse riders, would also be unaware of a potential conflict until it was too late to slow down. The lack of any turning circle at the proposed parking bay compounds the risk to highway safety, as it limits drivers' ability to choose the safest option, when pulling out. The trimming of vegetation in the vicinity of the proposal would not adequately diminish the risk that the proposal would cause to highway safety.

6. I observed that the amount of visibility available at the parking bays at both Jubilee Cottage and The Knoll was quite different than at the appeal site. This is also likely to be the case for the other parking bays referred to, which were further afield. Accordingly, they are not comparable with the appeal proposal.
7. The Manual for Streets diagrams drawn to my attention relate to the size of parking spaces, not to the requirements for visibility from those parking spaces, and so do not provide support for the proposal. It is recognised that the current parking arrangements used by the appellants and some of their neighbours may not be ideal, but this does not justify the creation of a new parking bay which would cause a material risk to highway safety.
8. I therefore conclude that the proposal would have an unacceptable effect on highway safety, including the safety of other road users. The proposal conflicts with Policy DM24 of the Development Management Policies: Sites and Policies Plan Part 1 (adopted July 2016) ('Sites and Policies Plan'), which provides that development will be permitted provided it would not prejudice highway safety.

Character and appearance

9. The appeal site is set within a tranquil rural area. Considering the abundance of greenery, the rather unkempt front garden at the appeal site does not unduly detract from the character of the area. The existing wall adds to the quaint ambiance, and reflects the character and charm of the immediate area.
10. In contrast, the proposal would create hard-edged retaining walls which would be poorly-integrated with the character of the area, due to their imposing scale and massing. I observed all the nearby examples cited by the appellants¹, and recognise that the proposal shares some design cues with those examples, including with respect to the choice of materials. However, it is the case that the proposal overall would stand out as an overly-stark and urbanising feature in the immediate area, and those examples do not change my opinion in this regard. I observed that the built features at The Knoll, a short distance from the appeal site, are so different as to not be comparable with the proposal.
11. It is recognised that the wall may be in a poor state of repair and that improvements may be in order, and that local natural stone is proposed to be used, but there is no evidence before me to suggest that a less harmful scheme could not achieve the same aims. Whilst a terrace level or planting within the wall has been mentioned, no details have been provided to allow for a meaningful assessment. Therefore, I give these considerations little weight.
12. I conclude that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. The proposal conflicts with Policies CS5 and CS12 of the Core Strategy (adopted January 2017) which aims to protect and enhance the character and distinctiveness of North

¹ I.e. those referenced by the appellants as Appendices 4 to 10.

Somerset's landscape and townscape, and to promote high quality urban design, and Policy DM32 of the Sites and Policies Plan which provides that design solutions should seek to enhance local distinctiveness.

13. Due to the limited scale of the proposal, I conclude that it would have a neutral effect on the Mendip Hills AONB and in this respect would comply with Policy DM11 of the Sites and Policies Plan, which requires that development conserves and, where possible, enhances the landscape and scenic beauty of the AONB. This finding does not alter my conclusion on this main issue.

Other Matters

14. Concerns relating to how the planning application was dealt with are not matters that I can assess in the context of a planning appeal.
15. The support for the proposal by Winscombe and Sandford Parish Council is noted, as are the lack of objections from other interested parties, but this does not overcome the material harm that I have identified.

Conclusion and Recommendation

16. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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