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# Appeal Decision

Site visit made on 30 June 2020

**by M Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 July 2020**

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**Appeal Ref: APP/Z0116/W/20/3248103**

**The Coach House, Grange Court Road, Henleaze, Bristol BS9 4DP**

- 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 Ashley Woodall against the decision of Bristol City Council.
  - The application Ref 19/04464/F, dated 11 September 2019, was refused by notice dated 18 November 2019.
  - The development proposed is a new dwelling (Self Build).
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the safety of pedestrian and vehicular traffic.

## Reasons

3. The proposal seeks permission for the erection of a single dwelling, within the garden area of an existing dwelling. Vehicular and pedestrian access to the site is currently gained along a narrow, single track access lane leading off Grange Court Road. This lane also provides access to the rear of a number of surrounding properties. The current scheme follows a previously refused proposal, which was also dismissed at appeal<sup>1</sup>. When determining that appeal, the Inspector found that visibility for the drivers of vehicles leaving the appeal site, onto Grange Court Road, would be inadequate. As a consequence, any increase in the use of the junction of the lane with Grange Court Road would increase the risk to highway safety and thus would be unacceptable. Whilst concern was also raised in respect of potential conflict with pedestrians and vehicular traffic along the length of the lane, the Inspector found that given the incidents of pedestrians and vehicles needing to pass along the lane being infrequent, that this would not result in a significant degree of risk to the safety of pedestrians or drivers.
4. The scheme before me has sought to address the concerns held by the Inspector when determining the previous appeal. Namely, the current scheme omits any provision for vehicles to enter, or park within, the appeal site; the proposal is therefore offered as a car-free development.

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<sup>1</sup> APP/Z0116/W/19/3228277

5. I accept that the scheme as shown would prevent vehicles from entering the curtilage area of the proposed dwelling. However, there is nothing to prevent occupiers of the proposed dwelling owning a car and I am conscious that, as the Council highlights, almost 80% of households within the area own at least one car. In the absence of any mechanism preventing car ownership, I therefore consider it likely that there would be at least one car in the household. With this in mind, even if occupiers of the dwelling were to park elsewhere in the surrounding area, there is nothing to prevent vehicles travelling along the lane up to the point of pedestrian access of the dwelling. In fact, in light of the length of the access lane and that occupiers would have to walk along it with, for example, groceries, I consider it likely that occupiers would drive along the lane to load or unload, even without the ability to park within the site.
6. As the previous Inspector identified, any additional usage of the junction of the lane with Grange Court Road would unacceptably increase the risk to highway safety for vehicular traffic. Therefore, the likely usage by occupants, together with other likely traffic movements, such as deliveries, would cumulatively have an adverse effect on safety through the increased use of a junction with restricted visibility.
7. I note that in addition to the pedestrian access from the lane, that a new pedestrian access is proposed to the north of the site, which would link to a footpath that is accessed from Westbury Lane. At the time of my site visit I took the opportunity to walk along this footpath. I found it to be a relatively narrow path which was generally enclosed by high stone walls. The path was also unlit and there was little natural surveillance of it. As such, I consider that this would not be a particularly attractive route for occupiers of the dwelling to utilise, especially so in the dark. This is likely to discourage the regular use of the path as a means of accessing the proposed development. In this light, the access lane off Grange Court Road is likely to be the predominantly used route for accessing the dwelling.
8. The lane is narrow and there is little opportunity for pedestrians to take refuge when a vehicle is also travelling along it. Furthermore, the lane also appeared to be unlit and whilst traffic travelling along it may be at a low speed, particularly in the dark it would potentially pose a risk to pedestrian users. I acknowledge that when dealing with the previous appeal, the Inspector found that any occurrences of pedestrians and vehicles having to pass would be infrequent. However, in light of there being no parking facilities within the proposed scheme, I find that there is likely to be an increase in the frequency of pedestrians travelling along the lane to access the dwelling. To my mind, this increases the potential for conflict between pedestrians and vehicles to an unacceptable degree.
9. I note that the appellant asserts that any harm could be overcome by the use of planning conditions, namely conditions requiring the development to be undertaken in accordance with the submitted plans, removing permitted development rights for the creation of external hardstanding within the site and requiring the proposed planting to be implemented and maintained. However, none of these conditions would overcome the harm that I have identified above which would result from the use of the lane by vehicular and pedestrian traffic, as they would not prevent vehicles access along the length of the lane.

10. The appellant also refers to the development complying with the Council's "sustainability agenda" by delivering a car-free development. However, whilst there is no provision for car parking within the site, there is no prevention of occupiers owning a car and as such there is no substantive evidence before me to show that the development would reduce reliance on the use of a private car. This is particularly so given the shortcomings of the proposed pedestrian access arrangements that I have referred to above.
11. Accordingly, I find that the scheme would have a harmful effect on the safety of pedestrian and vehicular traffic. This would be contrary to policy BCS10 of the Bristol Development Framework – Core Strategy (2011), as well as policy DM23 of the Bristol Local Plan – Site Allocations and Development Management Policies (2014), insofar as these policies seek to ensure the provision of safe streets and places and that development provides safe and adequate access for all.

### **Other Matters**

12. I acknowledge that the appellant intends that the development would be a self-build dwelling. This is a matter that weighs in favour of the development. Nonetheless, this is not sufficient to outweigh the harm that I identify above.

### **Conclusion**

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

*Martin Allen*

INSPECTOR