



Appeal Decision

Site visit made on 21 July 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/P0119/W/20/3248356

163 Willowherb Road, Emersons Green, Bristol, South Gloucestershire, BS16 7GR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr W Nutland against the decision of South Gloucestershire Council.
- The application Ref P19/13857/RVC, dated 29 September 2019, was refused by notice dated 18 December 2019.
- The application sought planning permission for Erection of 137 units and associated road, landscape and parking (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O) Ref PK13/2649/RM, dated 20 June 2014.
- The condition in dispute is No 1 which states that: The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.
- The reason given for the condition is: To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS8 and CS29 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).

Decision

1. The appeal is allowed and planning permission is granted for erection of 137 units and associated road, landscape and parking (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O) at Parcel 9 And 10 Land At Emersons Green South Gloucestershire BS16 7AQ in accordance with the application P19/13857/RVC, dated 29 September 2019, without compliance with condition number 1 previously imposed on planning permission PK13/2649/RM, dated 20 June 2014, which is instead subject to the following condition and also those undisputed conditions that are still subsisting and capable of taking effect contained in the attached schedule.
 - The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose, with the exception of the property now known as 163 Willowherb Road, Emersons Green, Bristol BS16 7GR (formerly Plot 37) which shall at all times retain two off-street

parking spaces; the off-street parking facilities shown on the submitted Layout Plan (dated 21 October 2019) hereby approved, shall be retained for that purpose only.

Main issues

2. The main issues are the effect of the proposal on:

- Highway safety;
- Character and appearance of the area.

Reasons

Highway safety

3. The appellant hopes to convert the garage to provide additional habitable space, and therefore does not want to retain the garage space for off-road parking, as required by the planning permission. I have no reason to doubt the intention to convert this into an additional reception room and accept that this may be an unusual location for a bedroom. However, this use is not, as yet, secured and I have therefore proceeded on the basis that the building would have the potential to be a 5-bedroom house in the future. Policy PSP16 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (PSPP)(adopted November 2017) requires that a 5-bedroom house has a minimum of 3 parking spaces.
4. Drawing PL-03 associated with Condition 1 of the original permission shows that the house was originally designed to have one car parking space on the driveway and one in the garage. However, at the site visit I observed that most houses in the area with the same front layout parked 2 cars neatly on the driveway. I also note that the transportation officer stated that 2 spaces were viable in front of a similar building on a nearby application for conversion of a garage¹. On this basis, I am satisfied that there are 2 off-road parking spaces outside the house.
5. At the site visit, I observed that there was a community centre, primary school, supermarket and bus stop opposite, and I also note that the outline permission required a health centre and a network of footways and cycleways to be constructed. I consider that all of these factors significantly reduce the likelihood that a third car is necessary.
6. Notwithstanding this, parking on busy Willowherb Road is clearly prohibited by double yellow lines on both sides, which would prevent inappropriate parking outside. There were spaces available along nearby side streets at the time of the site visit during the day, which could easily accommodate a third car, if needed, and any ad hoc visitor parking. I therefore do not consider that there would be any significant adverse impacts from the development on highway safety from inappropriate parking.
7. The number of off road parking spaces is therefore short of that required by Policy PSP16 of the PSPP for a 5-bedroom house. However, given the proximity to local facilities and public transport, I consider it unlikely that a third car would be needed. However, should this be required, there is safe parking available nearby and the proposal is therefore not in conflict with Policy CS8 of

¹ P20/01207/PDR

the South Gloucestershire Local Plan (CS)(adopted December 2013) or PSP11 of the PSPP, which require that development does not have an unacceptable effect on highway and road safety.

Character and appearance

8. There would potentially be 2 cars parked outside the house rather than a single car, as required by Drawing PL-03 of the original planning permission. However, as noted above, these driveways are almost universally used for 2 cars in the area, without resorting to cramped parking or awkward angles. I therefore do not consider that there would be harm to the character and appearance of the area from parking 2 cars on the front drive and find no conflict with Policy CS1 of the CS, or PSP1 of the PSPP which together require high standards of design and site layout.

Other matters

9. I have noted discussion regarding whether permitted development rights remain intact. This does not form part of the appeal and I have not considered the matter further.
10. There would be a change to the appearance of the house associated with conversion of the garage to a habitable room. However, this does not form part of the appeal and I have therefore not considered it further.
11. I recognise that loss of driveway space reduces opportunities for cycle parking and electric charging points. However, this was not secured in the original design and the harm from potential loss of these benefits is therefore minimal.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission with a substituted condition and restating those undisputed conditions that are still subsisting and capable of taking effect.

B Davies

INSPECTOR

Schedule of Conditions

1. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose, with the exception of the property now known as 163 Willowherb Road, Emersons Green Bristol BS16 7GR (formerly Plot 37) which shall at all times retain two off-street parking spaces; the off-street parking facilities shown on the submitted Layout Plan (21 October 2019) hereby approved, shall be retained for that purpose only.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1, CS8 and CS29 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).

2. The bin storage shown on the drawings hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason:

To ensure appropriate bin storage for the proposed dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013)

3. Prior to the commencement of the development hereby approved, a programme for implementation of the hard and soft landscaping hereby approved shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details and in accordance with the agreed programme.

Reason:

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

4. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason:

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

5. Prior to the commencement of development samples of the roof tiles to be used in the development hereby permitted shall be submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).

6. Prior to the commencement of the development hereby approved, details of street lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the lighting scheme does not adversely impact on the landscaping scheme, and in accordance with Policy L1 of the South Gloucestershire Local Plan (adopted 2006) and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

7. The development hereby approved shall be implemented in accordance with the approved materials layout (PL-04 Rev E) unless alternative sample materials are submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted Dec 2013).