
Appeal Decision

Site visit made on 5 August 2020

by J Gibson BUEP MP

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/Z0116/D/20/3255561

2 Haverstock Road, Totterdown, Bristol BS4 2BZ

- 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 Faiza Naveed against the decision of Bristol City Council.
 - The application Ref 20/00921/H, dated 14 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is for retrospective excavation works to front garden and creation of hardsurface and removal of boundary for creation of vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description has been taken from the submitted appeal form as it more accurately describes the works subject of this appeal. I note also that the front boundary wall has already been demolished and that excavation of the front garden area has already occurred. These elements have therefore been considered retrospectively. As such, I have determined the appeal on this basis.
3. The appellant in their statement of case introduces a proposal to remove the side boundary wall adjoining 167 to 173 Wells Road to improve visibility from the appeal site. Removal of this wall was not originally proposed as part of the application considered by the Council. I have therefore not considered this proposal as part of the appeal before me in the interest of procedural fairness.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - highway safety, with regard for pedestrians and vehicle movements.

Reasons

Character and appearance

5. Haverstock Road predominantly comprises of terrace dwellings with small front garden areas enclosed by low front boundary walls. There are also significant levels of on-street parking on both sides of Haverstock Road. The appeal site

is an end of terrace dwelling located on the northern side of Haverstock Road, and adjoins the rear boundary wall of dwellings fronting Wells Road.

6. The landscaped front garden areas and low boundary walls of terrace dwellings make a positive contribution to the street scene. The landscaped garden areas help soften the overall built form of the area whilst the front boundary walls maintain the traditional character and appearance of dwellings. These elements also serve to counterbalance the visual effect of on-street parking on the character and appearance of the area.
7. The loss of the front boundary wall and proposed hard surfacing of the front garden area to park cars on the appeal site would harmfully erode these positive characteristics to the detriment of the overall street scene. Whilst the proposed drop kerb would remove one parking space along Haverstock Road it would create at least two spaces in front of the dwelling, and therefore could not reasonably be considered an improvement to the existing characteristics of the street scene.
8. I note that there are limited examples along Haverstock Road, and more in the wider area, of terrace dwellings where the front boundary walls have been demolished and the front garden areas converted into hardstand parking areas. Nevertheless, these examples remain an exception within the predominant street scene of Haverstock Road and in my view do not positively contribute to the character and appearance of the area. I also note the appellant's concerns with the stability of the front boundary wall and its removal for safety reasons. However, this does not justify its permanent removal.
9. Accordingly, the removal of the front boundary wall and garden area for the proposed on-site parking area and associated vehicular access would harm the character and appearance of the surrounding area. It conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy (adopted June 2011) and Policies DM26 and DM27 of the Site Allocations and Development Management Policies Local Plan (adopted July 2014). These policies seek, amongst other things, to ensure development is of a high quality design which appropriately responds to local character and distinctiveness of areas.

Highway safety

10. The prevalence of on-street parking along Haverstock Road significantly limits the movement of vehicles on the road. However, it also contributes positively towards slowing vehicle movements along the road, and improves pedestrian safety by separating vehicle and pedestrian movements and providing refuge for pedestrians crossing the road.
11. The proposed on-site parking area and vehicular access would introduce a potential conflict point between vehicle movements and pedestrians using the footpath, and therefore represents a safety hazard. In practice, vehicles would likely need to reverse in or out of the appeal site due to the limited space to manoeuvre on-site and the prevalence of on-street parking. Such movements would put both pedestrians and vehicles travelling along Haverstock Road at an unacceptable risk of conflict. These concerns are further exacerbated when considering the effect of the existing side boundary wall, adjoining the boundary of the dwellings fronting Wells Road, on visibility as well as the existing vehicular access arrangements for the Wells Road dwellings.

12. The appellant contests that the identified examples of similar front garden parking areas and vehicular access support their proposal, suggesting they represent a safer arrangement which improves visibility and provides refuge for cars to pull over to allow oncoming traffic to pass. Whilst I note the proposed vehicular access would remove parking from the street and provide refuge for vehicles to pull over and let oncoming traffic pass, I do not agree that it would inherently improve visibility, particular as it pertains to the appeal site as I've previously described. Furthermore, I observed that the properties with existing on-site parking along Haverstock Road were not deep enough to wholly contain a full car length, and as such vehicles encroached into the footpath partially impeding pedestrian movements. Collectively, it is my view that the proposed arrangement poses a greater risk to the safety of existing pedestrian and vehicle movements than improvements as suggested.
13. I note the appellant's reasoning for proposing on-site parking, particularly to secure the safe transport of their two small children to and from the appeal site. However, this does not adequately justify the additional risk the proposed parking and access arrangements would pose to other users of the network.
14. Accordingly, the proposed on-site parking area and associated vehicular access would pose an unacceptable risk to highway safety, with regard for pedestrians and vehicle movements. It conflicts with Policy BCS21 of the Bristol Development Framework Core Strategy and Policy DM23 of the Site Allocations and Development Management Policies Local Plan. These policies seek, amongst other things, to ensure development does not give rise to unacceptable traffic conditions and provides safe access for all sections of the community.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR