



Appeal Decision

Site visit made on 28 July 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2020

Appeal Ref: APP/R3325/D/20/3250567

65 South Street, Crewkerne TA18 8DB

- 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 D Harrison against the decision of South Somerset District Council.
 - The application Ref 19/03158/HOU, dated 6 November 2019, was refused by notice dated 20 February 2020.
 - The development proposed is described as, "access, turning area + parking."
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Decision

1. The appeal is allowed and planning permission is granted for carrying out of alterations to form access, turning area and parking, and associated works at 65 South Street, Crewkerne TA18 8DB in accordance with the terms of the application, Ref 19/03158/HOU, dated 6 November 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Location/Site Plan (Drawing No. 1.2).
 - 3) No building operations to any retaining walls shall take place until details of the materials to be used in the construction of the external surfaces (including samples where appropriate) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 4) Prior to the new driveway and parking area being first brought into use, provision shall be made within the site for the disposal of surface water, the details of which shall have been first submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed in accordance with those agreed details and thereafter maintained at all times.
 - 5) Prior to the new driveway and parking area being first brought into use, the area shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been first submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed in accordance with those agreed details and thereafter maintained at all times.
 - 6) The area allocated for parking and turning shown on the approved plan shall be kept clear of obstructions and shall not be used other than for the parking of vehicles in connection with the dwelling known as 65 South Street, Crewkerne.

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.

Procedural matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. The description of development given in the Council's decision notice is: "Carrying out of alterations to form access, turning area and parking, and associated works". This is the description used to determine the application. As that description more accurately describes the proposal, the appeal has also been determined using that description of development.

Main Issue

4. The main issue is the effect of the proposal on highway safety, having particular regard to the local highway conditions and the demand for on-street car parking.

Reasons for the Recommendation

5. Henhayes Lane is located to the rear of the host property. It is an unclassified no-through road which is narrow with parking restrictions on one side and space for vehicles to park adjoining the rear boundaries of the South Street properties, within the vicinity of the appeal site. There is a sharp bend in the road with limited forward visibility, and the junction with South Street is narrow with poor visibility for both pedestrians and vehicles because of the buildings either side of it. Vehicle speeds along Henhayes Lane are likely to be low, given the highway conditions.
6. Although there is on-street parking within Henhayes Lane which is likely to be used by residents of Henhayes Lane and South Street, there is a high probability that vehicle numbers using the road and the junction with South Street throughout the day would be low. Additionally, pedestrians are likely to be aware of the presence of the narrow lane accessing onto South Street and adjust their behaviour accordingly, as would drivers.
7. The host property has a parking area which is accessed from South Street, however there is nothing to prevent its occupiers from parking within Henhayes Lane. The introduction of a parking area to the rear of No 65 would not generate a large number of vehicle trips, even if it was used by occupiers of the dwelling on a daily basis.
8. Therefore, whilst acknowledging the local highway conditions and in the absence of evidence to demonstrate that the use of Henhayes Lane by vehicular traffic is harmful to vehicle and pedestrian safety, I find that vehicles using the proposed parking area would be unlikely to result in a situation where harm to highway safety would result. Indeed, it is likely that the proposal would create a passing area to the front of it for vehicles to pull into if another vehicle was travelling along the lane, if drivers of vehicles observe the access and do not park in front of it. This would potentially reduce the risk of vehicles

reversing along the lane which would be likely to be a benefit to pedestrian and vehicle safety in the locality.

9. It is clear that there is a demand for on-street parking in Henhayes Lane by local residents from the representations submitted and from the observations I made on my visit. The proposal would effectively remove a number of on-street parking spaces to make way for the in-curtilage parking area. Whilst this may reduce the availability of on-street parking within the lane, I have no substantive evidence before me to demonstrate that there is no other on-street car parking nearby for local residents and/or visitors to the area to park, or that the locality has reached saturation point in terms of such availability.
10. Whilst local residents may need to park further from their property than they do at present if there was no parking spaces available in Henhayes Lane, such a situation is already likely to occur, particularly given the number of dwellings in Henhayes Lane and South Street and the likely number of vehicles owned by nearby occupiers. The displacement of between 2 and 3 car parking spaces in the lane that the proposal would result in would be unlikely to create a situation whereby local residents could not park their vehicles safely.
11. I therefore conclude on the basis of the evidence before me, and having particular regard to the local highway conditions and the demand for on-street car parking, that the proposal would have an acceptable effect on highway safety. The proposal complies with Policy TA5 of the South Somerset Local Plan (2006 – 2028) (2015) which provides that all new development shall be required to address its own transport implications and designed to provide a safe and convenient access. This policy is consistent with the National Planning Policy Framework (Framework) which at paragraph 108 sets out that in assessing specific applications for development, that it should be ensured that safe and suitable access to the site can be achieved for all users.
12. There would also be no conflict with paragraph 109 of the Framework, which provides that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, neither of which apply in this case.

Other Matters

13. The appeal property is located within the Crewkerne Conservation Area, and its positive contribution to the conservation area derives in part from its appropriate scale and fenestration arrangements when seen in the context of other properties along this stretch of South Street. The Council did not raise any concerns regarding the effect of the proposal on the significance of the conservation area, and I am satisfied that it would preserve the character and appearance of the Crewkerne Conservation Area. There would be no harm to its significance as a designated heritage asset. As such, on this matter, the proposal would also comply with the Framework.
14. Concerns relating to how the planning application was dealt with, including the location of the site notice, are not matters that I can assess in the context of a planning appeal. Similarly, any future proposals relating to the appeal property would be considered on their own merits by the local authority. The local authority would be responsible for the monitoring of construction works.

Conditions

15. The Council has suggested a number of conditions it would wish to see imposed in the event that the appeal is allowed. I have considered the conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
16. A condition is necessary requiring that the development is undertaken in accordance with the approved plan, to provide certainty. A condition is also necessary requiring provision of the details of the materials to be used in the construction of the external surfaces of any retaining walls, to safeguard the character and appearance of the conservation area. Conditions are also necessary requiring provision of the details of the disposal of surface water, and for surfacing, in the interests of highway safety and that the parking and turning area is kept clear of obstructions and is not used other than for the parking of vehicles in connection with the appeal property.
17. A condition limiting the number of vehicles to be parked, would not be necessary or reasonable, considering that its usage would be unlikely to be greater than that associated with normal household use.

Conclusion and Recommendation

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

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

RC Kirby

INSPECTOR