



Appeal Decision

Site Visit made on 1 February 2021

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/Q3305/W/20/3261522

St. Anthony's Cottage, Old Wells Road, Chantry, Frome, Somerset BA11 3LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Bernadette Pole against Mendip District Council.
 - The application Ref 2020/1235/FUL, is dated 13 July 2020.
 - The development proposed is change of use of agricultural land to residential garden and erection of a garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal has been submitted against the non-determination of the application by the Council. At the appeal stage, the Council has confirmed that had it determined the proposal it would have been refused for three reasons. These concern highway safety in respect of the new vehicular access and the harm to the area because of the extension of the garden into the adjoining field and the loss of the frontage hedge.

Main Issues

3. The main issues are the effect of the proposal on:
 - highway safety, and
 - the character and appearance of the area, having regard to the extension of the garden into the adjoining field and the loss of hedging.

Reasons

Highway safety

4. The property fronts onto a road with a 30mph speed limit. In these circumstances, the evidence indicates that unless there is vehicle speed data to demonstrate otherwise, a new access to serve a single residential property should have visibility splays of 43m by 2.4m.
5. To achieve these splays works would be required including the removal of the hedge along the frontage of St Anthony's Cottage, part of the joint hedge with Maud Cottage would need to be lowered together with its frontage vegetation

- (and potentially the front wall¹), and on the western side the field hedge would need to be cut back.
6. The red lined application site identified on the location plan may include a section of the field hedge to the west, however, it does not include the full extent of this visibility splay in this direction. Furthermore, the red lined application site shown on the location plan does not include the land across the frontage of Maud Cottage and therefore the application site does not include the visibility splay in this direction. The visibility splays are identified by a red line on the block plan but this does not demonstrate to me that they fall entirely within the red lined application site which I consider is identified on the location plan. It follows that in any permission it would not be possible to attach a planning condition to ensure that all the works to provide the sight lines were undertaken and thereafter maintained. Consequently, there is no robust evidence that the visibility splays could be achieved and maintained.
 7. On the basis that the sight lines could not be achieved for the reasons explained, for drivers leaving the site the sub-standard visibility would be to such an extent that it would not provide drivers with adequate advance warning of approaching vehicles. This could lead to a collision between a vehicle leaving the site and those travelling along Old Wells Road, particularly with those vehicles coming from the Bullen Mead direction. Accordingly, although the traffic associated with a single dwelling may be limited, the proposal would create an unacceptable impact on highway safety.
 8. I have noted the information about the improvements to other local roads, such as the Bulls Green Link Road which may have reduced traffic on Old Wells Road. I also note that there would be benefits from the scheme with the transfer of vehicles into the site that may be presently parked in Old Wells Road in front of St Anthony's Cottage. Such vehicles parking in the road could affect the free flow of traffic, but the parked vehicles would be clearly visible and the evidence does not demonstrate that this causes a highway safety hazard to the same extent as would the proposal.
 9. There would also be benefits with the removal of cars parked in the road for drivers leaving Bullen Mead and looking to the west as the visibility of approaching vehicles may be improved. However, the vehicles parked in the road would be a reasonable distance away and this benefit in highway safety would be limited. I have taken into account all the matters set out by the appellant in favour of the scheme, as well as the support from a local resident and the Parish Council for the provision of more off road car parking to alleviate issues locally. However, these matters would not, either individually or collectively, be of such benefit that they would outweigh the highway safety issues I have identified.
 10. The road in front of the appeal site is used by walkers linking between the right of way to the east of the site and the right of way to the west. Walkers would, in all likelihood, be moving slowly and be able to see a vehicle emerging from the proposed access and react accordingly. This would not create an undue hazard for walkers. The proposal would lead to a minor improvement to convenience for walkers who would not need to walk around a vehicle which

¹ There is no clear evidence from the Local Planning Authority or Highway Authority as to whether the existing 750mm height of the front wall (as specified on the block plans) would be acceptable to be retained at that height to provide the required sight line across the frontage of Maud Cottage.

was parked at the front. However, given the linear form of the road, there is adequate visibility for walkers to see approaching vehicles and therefore the impact from parked vehicles in the road is a transitory imposition for walkers travelling along Old Wells Road between the two rights of way. It is such that the changes as proposed by the appeal scheme would not alter in any material way the safety aspects for walkers compared with the present situation. Nevertheless, while the effect on walkers would be satisfactory, that does not alter my view on the highway safety issues explained above.

11. In the light of the above analysis, I conclude that the scheme would lead to an unacceptable impact on highway safety and therefore conflict with Policy DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 (2014) (the Local Plan) which details, amongst other things, that development will be supported where they make safe and satisfactory provision for access by all means of travel.

Character and appearance

12. The hedge at the front of St Anthony's Cottage is a pleasant feature within this part of the road and links visually with the field hedge to the west. However, along Old Wells Road to the east there are a variety of properties with a mix of front boundary treatments, often with stone walls set behind a grass verge and accompanying landscaping. Many of these frontages incorporate a vehicular access and these boundaries are characteristic of the built form of the area.
13. The removal of the hedge would change the appearance of the frontage, however, it could be replaced by a low stone wall behind a grass verge with associated planting which would be characteristic of some of the other frontage treatments in the area. While this would differ to a limited extent from the submitted scheme, because of the position of the wall, I am satisfied that an acceptable form of hard and soft landscaping along the frontage could be agreed if this was made the subject of a planning condition in any approval.
14. The western boundary of the property includes a stone wall and this is proposed to be repositioned to the west within the field. From the road, because of the field hedge, this repositioning of the boundary would not be readily apparent. From areas within the field and the surrounding countryside the change would be perceived as a minor and fairly inconsequential alteration along the boundary of the building group. Indeed, the cottages to the south appear to project close to the field edge and the realigned boundary to St Anthony's Cottage would not be out of character with the positioning of these other buildings and their relationship to the field.
15. Finally, the proposed single garage building would be set back in the site and not appear as a unduly dominant structure within the street scene.
16. Drawing all these matters together, I conclude that the scheme would not harm the character and appearance of the area, and consequently would comply with Policy DP1 of the Local Plan and the National Planning Policy Framework which seek, amongst other things, that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness.

Other Matters

17. I note the comments and frustration which have been expressed by the appellant regarding the lack of engagement and communication by the Council during its processing of the application and that the lack of response led to the appeal on the basis of non-determination. However, these are not matters for my consideration as part of the appeal which I have considered on its merits.

Conclusion

18. The scheme would not harm the character and appearance of the area. However, this would be neutral in the overall considerations as the present frontage provides an attractive street scene and the proposal would not provide a visual improvement. Any benefits from the provision of off road car parking would be substantially offset by the unacceptable impact on highway safety that I have identified. It follows that the harm, including the conflict with Policy DP9 of the Local Plan, would not be outweighed by the benefits.
19. For the reasons given above, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR