



Appeal Decision

Site Visit made on 9 February 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/F9498/D/20/3262039

39 West Street, Dunster TA24 6SN

- 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 David M Hall against the decision of Exmoor National Park Authority.
 - The application Ref 6/10/20/109, dated 24 July 2020, was refused by notice dated 17 September 2020.
 - The development proposed is described as retrospective approval is requested to maintain the side barn at 39 West St Dunster in its present form with a wide opening to the road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the space created within the barn was not being used to park a vehicle at the time of my site visit, I observed that the proposed widening of the barn's opening had been carried out. I have dealt with the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety; and
 - whether the development would preserve the character or appearance of the Dunster Conservation Area (CA) and its special qualities.

Reasons

Highway safety

4. The appeal site consists of a single-storey outbuilding/side barn attached to the dwelling at 39 West Street. The site fronts the A396 and the front door of No 39 opens directly on to the highway. In the vicinity of the site, the highway – West Street, which is a busy, primary road – narrows to effectively a single lane for vehicles, and the footway, which leads to Dunster Surgery, runs along the carriageway, separated from passing vehicles by road markings. I observed on my site visit that other parts of Dunster have similar highway conditions.
5. Visibility from the barn to the east/north-east is limited significantly by the side wall of No 39. Inter-visibility between highway users – including vehicles and pedestrians – passing the site and a vehicle exiting the barn would therefore be severely limited. Even if traffic on the highway followed the rules, the insufficient inter-visibility would significantly and unacceptably risk the safety of

all highway users. With no turning space available off the highway, a vehicle would also be unable to enter and exit the barn in forward gear. Irrespective of the practice of reversing into spaces elsewhere in Dunster, the need to either reverse from or onto the busy main road would further risk highway safety and also hinder the efficient operation of the highway.

6. The fact that the use of the barn for vehicle parking would involve similar issues and constraints to other parking spaces in Dunster, such as at Nos 37 and 38, does not indicate that the appeal scheme and the additional highway safety issues that it would create are acceptable. The appellant's contention that non-compliance with highway authority guidelines is the norm in most historic villages, and that parking in the barn would allow vehicles to load and unload without having to wait on the double yellow lines, do not lead me to a different conclusion. Furthermore, while certain traffic calming measures and works to the highway may improve traffic behaviour and existing highway conditions, they are – as identified by the appellant – beyond the scope of this appeal.
7. It has been put to me that visibility from the barn to the highway could be improved by the placing of a traffic mirror on the opposite side of the A396 and that the root cause of road safety on West Street relates to traffic behaviour. While I recognise that such mirrors are often used elsewhere, including in the vicinity of the site such as at No 38 and at other locations on the A396, I cannot be certain that such a mirror – even if it could be modified on the advice of the Highway Authority – would sufficiently mitigate the lack of visibility at the site. The estimated visibility splay with the traffic mirror shown on the submitted site map (ref WEST ST-SB-005) does not lead me to a different view, while an improvement in the behaviour of traffic in the vicinity of the site would also not resolve the deficient visibility.
8. Although cycles, motorbikes and mobility scooters could in theory be stored in the relatively small barn, its limited depth does not meet Somerset County Council's minimum dimension standards for vehicle parking. With the exception of a short car, a parked vehicle would therefore be likely to project beyond the front of the barn and protrude into the highway. Such an overhang would obstruct the footway, forcing pedestrians passing the site to walk further out into the carriageway to the significant detriment of their safety and the flow of traffic on the highway. Neither the on-street parking congestion in the locality nor the presence of off-street parking spaces elsewhere in Dunster which are smaller than the SCC's standards lead me to a different conclusion.
9. I recognise that the appellant's intention is to only park vehicles in the side barn that do not obstruct the footway, that there is a raised floor and small ramp at the front of the barn and its opening is also relatively low. However, it seems to me that none of these aspects would be certain to prevent longer vehicles from parking in the barn and a restriction on vehicles above a certain length would for example not be enforceable.
10. The widening of the barn's opening is said to have allowed safer access to No 39 through the barn rather than via the property's main front door. I recognise that entering and leaving the property via the front door would not be particularly safe given it opens directly onto the narrow and busy highway and that vehicles may also cross into the footway, closer to the front door, in order to pass each other. However, with the barn previously containing a doorway at the front, the evidence before me does not indicate that the enlarged opening of

its front wall is necessary in order to allow a safer alternative access to the property or for access to refuse bins and other items stored in the barn.

11. For the above reasons, I conclude that the proposed development would significantly harm highway safety. I therefore find that it conflicts with Policies AC-D2 and AC-D3 of Exmoor National Park Local Plan 2011-2031 (ENPLP). Amongst other aspects, these set out that development which would prejudice road safety interests will not be permitted and require parking provision to take into account environmental constraints and be well designed. The proposal would also be inconsistent with the provisions in the National Planning Policy Framework (Framework) in relation to only refusing development on highways grounds if there would be an unacceptable impact on highway safety.

Dunster CA

12. The site is situated within the Dunster CA, which covers much of the historic settlement of Dunster. The Authority's Conservation Area Appraisal for Dunster identifies West Street, with its narrow and curving alignment, as the second major street of the medieval settlement. Amongst other aspects, the significance and special qualities of the CA stem from its historic character and medieval form, its winding narrow streets, the castle and grounds, and the historic buildings within medieval burgrave plots which line the main streets. The property at No 39 and the side barn – which the submitted evidence indicates was an in-fill addition adjoining the animal pound – are not specifically mentioned or recorded in the Appraisal.
13. With the Historic Building Officer identifying the loss of the barn wall as unfortunate, the Authority allege that the proposed development has had a negligible negative impact on the CA and does not conserve its special qualities. However, it has not been identified what actual harm has allegedly arisen from the widening of the barn's opening. Although I observed on my site visit that accesses to other similar side barns/outbuildings in the locality are generally enclosed by doors, the open frontage of the barn on the site is relatively limited, does not appear as an incongruous or unacceptable feature and does not have a detrimental effect on the character and appearance of the surrounding area. The barn's materials also reflect surrounding built form. Accordingly, and with little substantive evidence to the contrary, I find that the opening of the barn's frontage has had a neutral effect on the character and appearance of the CA and has not harmed its significance.
14. For the above reasons, I conclude that the proposed development would preserve the character and appearance of the Dunster CA and its special qualities. I therefore find that it accords with ENPLP Policies GP1, CE-S4 and CE-D3. Amongst other aspects, these seek to conserve and enhance the historic environment, local distinctiveness and special qualities of the National Park by requiring development to preserve or enhance the character or appearance of conservation areas and conserve or enhance the character, special interest, integrity, and significance of any affected heritage asset. The proposal would also be consistent with the provisions in the Framework in relation to conserving and enhancing the historic environment.

Other matters

15. The site adjoins the animal pound, which is a Grade II Listed Building. However, the Authority considers that the appeal scheme has not had a detrimental

impact on the listed building or its setting. Having considered the development and visited the site, I concur and find that the appeal scheme preserves the listed building and its setting.

16. It has been put to me that traffic requirements are prioritised at the expense of other considerations and that the planning application was submitted in order to improve the safety of residents of No 39 and of passing pedestrians, which has been made necessary by the risks caused by traffic behaviour on the A396. However, I have found that the appeal scheme would harm significantly the safety of highway users, including pedestrians using the footway in front of the site. With the barn previously containing an opening at the front, it seems to me that the opening up of its front wall is also not necessary to provide the occupiers of No 39 with a safer alternative access to the property. The appeal scheme cannot therefore reasonably be described as improving safety or ensuring a viable future for the property, which is not identified as being an important building in the CA.

17. These and the other matters and alleged benefits that have been put to me, which I have covered above, do not therefore outweigh the harm I have identified nor provide justification for development that conflicts with the development plan. In coming to this view, I have taken account of the appellant's vision for the barn to be used for the parking of a small electric car and that it is said that the barn was found to be in a poor, dilapidated and unstable condition during the building works recently carried out to improve and extend the main part of the house and the rear.

Conclusion

18. For the above reasons, the appeal is dismissed.

T Gethin

INSPECTOR