
Appeal Decision

Site visit made on 1 June 2021 by A J Sutton BA Hons DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/F0114/W/21/3267530

Three Ways, Station Road, Clutton, Bristol, BS39 5PD

- 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 Dean against the decision of Bath & North East Somerset Council.
 - The application Ref 19/05110, dated 4 November 2019, was refused by notice dated 30 July 2020.
 - The development proposed is described as 'erection of new single storey 2 bedroom dwelling adjacent to existing bungalow. And to split the site into two plots.'
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. Whilst Station Road was closed to vehicles due to highways resurfacing works at the time the site visit was conducted, I was able to access the appeal property and observe factors pertinent to the appeal case.
4. Amended drawings were submitted during the course of the application, the Council determined the application on these drawings, and, therefore these are the basis for this recommendation.

Main Issue

5. The principle of the development is not a matter that is in dispute in this case, and therefore, the main issue is the effect of the proposed development on the safety of pedestrians and other road users on Station Road and Venus Lane.

Reasons for Recommendation

6. The appeal site forms a corner plot which fronts Station Road. It is located where the road rises to the village centre, with the junction of Venus Lane at its immediate eastern boundary set lower down the hill. Whilst Station Road is subject to a 20mph speed limit and benefits from street lighting, there are no made pavements in the vicinity of the property, with only markings on the

- carriageway denoting the pedestrian walkway at the Venus Lane junction and on both sides of Station Road. Although not major roads, as a principal route for pedestrians and motorists accessing services of the village, the carriageway near the appeal property will be busy at times, particularly when children are taken to or collected from school.
7. The proposal would form an off-street parking area for 2 vehicles to serve the new dwelling, with access onto Station Road, a short distance from the junction of Venus Lane. An area of raised garden would be retained between the new parking spaces and the junction with Venus Lane. It would be considerably closer to the junction than the current off-street parking provision, on Venus Lane, which serves the existing dwelling at Three Ways.
 8. Although the new parking area would comply with the guidance in terms of distance from the junction with Venus Lane, drivers of vehicles exiting the proposed parking spaces would have restricted visibility of pedestrians and vehicles exiting Venus Lane, or travelling towards the parking area from this direction in Station Road and vice versa, because of the slight curvature of the road and the relative height of the retained front garden space of the new dwelling. This situation would be exacerbated when vehicles were being reversed from the parking area on to the public highway, as drivers of vehicles would be unable to see other highway users within the vicinity of the junction until they were within the carriageway of Station Road.
 9. The proposed parking area would therefore increase the risk of incidents occurring with other highway users including vehicles, pedestrians, including parents/carers with small children, and those with disabilities using the marked walkway flush to the boundary of the property. The development would render the area, where pedestrians already experience the vulnerability of sharing the carriageway with motor vehicles, significantly more hazardous to navigate when walking to the school or accessing other village services.
 10. Although data indicates that no incidents on the highway have been recorded in the immediate vicinity of the appeal property, the proposed development would substantially alter the off-street parking arrangements and this would make the carriageway less safe to use for the reasons outlined above. I acknowledge that there are numerous examples of driveways at properties on Station Road with a similar configuration to that proposed, however, these are not located close to a junction and are not therefore directly comparable to the scheme before me.
 11. In light of the foregoing, I conclude that the proposed development would have a harmful effect on the safety of pedestrians and other road users on Station Road and Venus Lane. It would be contrary to Policy ST7 of Bath and North East Somerset Placemaking Plan which states that development will be permitted providing, amongst other matters, highway safety is not prejudiced. The proposal would also be inconsistent with policies of the National Planning Policy Framework which seek to ensure that safe and suitable access to the site can be achieved for all users.

Other Matters

12. The highway engineer concedes that an earlier site visit would have led him to recommend that the application be refused, and his amended judgement was informed by subsequent site visits. Visiting the site gave him the opportunity

to observe physical features not discernible from the desktop. Whilst frustrating for the appellant, the Council is not bound to accept an officer's recommendation, and in this case, they have substantiated their reason for refusing planning permission.

13. Conditions, restricting the height of the hedge and for the removal of permitted development rights, would not fully resolve identified matters which would present a hazard to both pedestrians and other road users in this case.

Planning Balance, Conclusion and Recommendation

14. The proposal would provide one dwelling well related to services of the village and would contribute to the Government's objective to significantly boost the supply of housing. It would be likely to satisfy carbon reduction targets in its construction and would make efficient use of land. These benefits would be small given the scale of the development. High quality of design is to be expected for all developments and accordingly this is a neutral factor in this case. Therefore, I conclude that the small benefits identified would not outweigh the considerable harm to the safety of pedestrians and other road users of the carriageway within the vicinity of the appeal property, and, the conflict with development plan policy in this respect.
15. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR