



Appeal Decision

Site Visit made on 12 August 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/Z0116/W/21/3275002

386 Southmead Road, Southmead, Bristol BS10 5LP

- 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 Dr H Sims-Williams against Bristol City Council.
 - The application, Ref. 20/03886/F, is dated 26 August 2020.
 - The development proposed is described as the change of use from unused neglected land at the rear of houses 382, 384 and 386 Southmead Road to provide parking spaces for 7 no. cars.
-

Decision

1. The appeal is dismissed and planning permission for change of use from unused neglected land at the rear of houses 382, 384 and 386 Southmead Road to provide parking spaces for 7 no. cars is refused.

Preliminary Matters

2. The Council did not make a decision on the application. Nor has a statement been provided setting out what the decision on this application may have been. However, the appellant has outlined the reasons that a previous application was refused. Although some may have been addressed, they are indicative of the areas of dispute between the main parties. I, therefore, deem these to be the main issues and have based my decision on whether the proposal and evidence addresses those issues.

Main Issues

3. With regard to the above, the main issues are the effect of the development on:
 - (i) Travel patterns and modes of transport;
 - (ii) the living conditions of neighbouring residents;
 - (iii) highway safety; and
 - (iv) the character and appearance of the area.

Reasons

Travel patterns

4. Policy BCS10 of the Bristol Core Strategy 2011 (CS) sets out principles for development to minimise the need to travel by private car and maximise opportunities for the use of walking, cycling and public transport. CS Policy

BCS13 seeks to positively encourage walking and cycling and the use of public transport, instead of journeys by private car. Such can assist in reducing carbon dioxide emissions, being an aim of Policy BCS13, and can also reduce congestion, which is identified at CS Paragraph 4.10.3, in support of Policy BCS10, as a significant constraint on economic growth.

5. The appellant has explained how the parking spaces could be dedicated to electric vehicle (EV) charging. However, while I could use planning conditions to secure the provision of charging points, there is no enforceable mechanism before me to prevent their usage by non-electric vehicles. I understand that the adjoining Southmead Hospital wishes to promote travel by EVs, but it has not been demonstrated that provision cannot be made as part of existing parking facilities on the hospital site. Furthermore, this does not address congestion.
6. The significant amount of public support for the proposal is an indication of demand for the spaces and regardless of parking limitations at a destination, some people may still choose to drive. Nevertheless, even if the proposal reduced some parking demand and associated inconvenience placed on nearby residential street, providing dedicated parking facilities would serve to promote travel by private car and not encourage the modal shift sought by the above policies. It may well be that some key workers need to travel at unusual times and require safe and convenient parking spaces. However, there is no substantive evidence that their needs cannot be met through existing facilities elsewhere. I, therefore, attach limited weight to this matter.
7. Overall, I conclude that the proposal conflicts with those aims of CS Policies BCS10 and BCS13 to promote travel by non-car means.

Living conditions

8. The proposal would introduce vehicle movement and associated activity close to the rear boundaries of adjoining residential dwellings. It is likely that light pollution and disturbance would be avoided through the use of close boarded fences and boundary screening. However, even if the use was primarily by quiet EVs, there would also be activity associated with accessing vehicles, including the opening and closing of car doors. There is no substantive evidence that the boundary treatments and screening would be effective in mitigating noise disturbance from such activities.
9. While there are other rear parking areas in the locality, these have not been shown to be commercially operated car parking areas. The comings and goings at the appeal site could, therefore, be more intense and, as suggested in the appellant's transport statement, could be at all times of day or night.
10. I, therefore, find that the use of the car parking area could create noise and disturbance harming the living conditions of nearby residents. Such would be contrary to those aims of CS Policy BCS23 to avoid adverse impacts on environmental amenity, including through noise.

Highway safety

11. The access is narrow and would be shared by pedestrians and vehicles. While there may be inadequate width for segregated arrangements, there is no clear reason why a shared surface would be inherently unsafe, given the number of parking spaces proposed. Planning conditions could be used to ensure that

parking bays fronting Southmead Road at the access were laid out to provide adequate visibility splays and passing facilities. On this basis, there would be no demonstrable harm to highway safety and no conflict with Policy DM23 of the Site Allocations and Development Management Policies Plan 2014 (DMP) that seeks to ensure that safe and adequate access is provided to the highway network.

Character and appearance

12. The area was formerly garden land and part of a small area of other rear gardens providing green space to the nearby residents. In the limited views from the public domain, however, hard landscaping dominates and the proposal would not be at odds with this. New tree planting softening the boundaries could ensure that neighbouring properties retain their landscaped garden appearance, within an otherwise heavily developed area. I, therefore, find no conflict with those aims of CS Policy BCS21 or DMP Policy DM21 that seek to ensure that development contributes positively to an area's character and identity, prevents harm to the character and appearance of the area and ensures that residential properties retain an adequate amount of functional garden.

Conclusion

13. There would be conflict with the development plan in terms of its aims to promote travel by non-car means and also harm to living conditions. There would be no harm to highway safety or the character and appearance of the area, but this lack of harm is neutral in the planning balance. No other material considerations indicate that a decision should be made otherwise than in accordance with the development plan.
14. Therefore, the appeal is dismissed.

M Bale

INSPECTOR