



Appeal Decision

Site Visit made on 22 June 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2021

Appeal Ref: APP/D0121/W/21/3271101

28 Queens Road, Banwell BS29 6BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Haines against the decision of North Somerset Council.
 - The application Ref 20/P/3223/OUT, dated 23 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is described as an outline application for the demolition of side extension of existing dwelling and erection of a 2-bedroom dwelling to the side (all matters reserved for subsequent approval).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I have asked for further comments from the main parties and, where received, have had regards to these. The revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal.
3. The application was made in outline with all matters reserved for future consideration. However, it is clear from the submissions, associated plans and my site visit that vehicular access to the proposed development will be from High Street as vehicular access from Queens Road would not be possible.

Main Issue

4. The main issue is the effect of the proposal on the safety of highway users.

Reasons

5. The appeal site comprises a semi-detached property with a frontage on to Queens Road and rear access to a parking area from High Street. High Street is a two lane through road which links the surrounding residential area within the centre of Banwell. The road is constrained by on-street parking that effectively narrows the road to a single carriageway along parts of its length. Properties in this area of High Street do not have off-street parking and therefore residents are required to park on High Street. On-street parking is also available on Queens Road. Vehicular access to the proposed development will be via the existing rear access as access from Queens Road is not possible and the submitted plans detail parking provision off High Street.
6. At the time of my site visit a number of cars passed the access to the site from both directions along High Street. I appreciate my site visit provided only a

snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at peak hours when traffic is at its heaviest i.e. in the mornings and evenings when most people commute. I also noted during my site visit and from the evidence submitted that the parking issues along High Street led to vehicles on occasion being parked very close to the access.

7. The proposed development would widen the existing access on to High Street and create five parking spaces. There would be no space to turn vehicles, so as such each car would need to either enter or exit the site in reverse. Whilst it is noted that the existing access suffers from poor visibility, the proposed development would be considerably lower than the visibility standards contained within Manual for Streets. The submission details a visibility splay from the centre of the proposed parking area which demonstrates that this would not be able to achieve the required visibility due to the preponderance of parked cars. Additionally, due to the nature of the parking, spaces further to the west and east would also have a reduced visibility.
8. I note the appellants suggestion that a X distance of 2 metres could be used. However, due to the nearby boundary walls this would not improve the visibility of the parking area to such a level that it would be acceptable. Additionally, as there is no space to turn vehicles within the site it is likely that some vehicles would need to reverse into the highway which would further reduce visibility.
9. During my site visit I observed the existing poor visibility from the access and consider that any increase in use and reduction in visibility would result in significant restricted visibility of approaching vehicles, causing harm to highway safety. The appellant suggests that drivers would slowly exit or 'nudge' out of parking spaces. However, slowly easing out of spaces, attempting to see past parked cars will still cause issues of highway safety as oncoming traffic in the highway may not be aware that vehicles are moving out of the spaces.
10. The appellant disagrees with the Council that three vehicles can be accommodated within their existing parking area. Whilst aerial photography has been submitted demonstrating the parking of three vehicles the appellant advises that due to the narrow access they normally park on the street. However, parking would be available to the appellant on Queen Street and the aerial photography demonstrates that three vehicles can be accommodated within the site. Driveways with one narrow access are not uncommon and are characteristic of the driveways in the immediate area.
11. Due to the lack of parking for properties fronting on to High Street there is pressure for parking in the area. The widening of the access would reduce the available on street parking. I note the submission from both parties regarding parking levels locally and viewed parking pressures during my site visit. Whilst there were some spaces available, this was limited and would be further reduced when people return from work. A reduction in available parking spaces would have a harmful impact on local parking provision to the detriment of highway safety, by creating or exacerbating visibility issues. The appellant states that people do not normally park in front of dropped kerbs but this is not necessarily the case.
12. For the above reasons the proposal would be detrimental to highway safety. The proposal would therefore conflict with North Somerset Core Strategy 2017

(CS) Policy CS11 and Sites and Policies Plan¹ (2016) (SPP) Policies DM24 and DM28, which seek, amongst other things, to ensure that development does not prejudice highway safety or result in an unacceptable impact on on-street parking. The proposal also conflicts with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

13. My attention has been drawn to applications within the Council area for similar developments that have been approved. However, from the limited details before me, it appears to me that the merits and circumstances of such schemes are different to those of the appeal proposal. I have dealt with the proposal on its merits.
14. The appellant has disputed the policies used to determine the application. I have reviewed the policies and considered that these are relevant to the proposed development.

Planning Balance

15. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. In this situation, paragraph 11 of the Framework sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
16. I have concluded that the proposal would give rise to significant harm in regard to highway safety, and that the proposal would be contrary to CS Policy CS11 and SPP Policies DM24 and DM28. These policies are generally consistent with the Framework and, I attach substantial weight to them.
17. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the dwelling. The dwelling would make a very modest contribution to the supply of housing and towards helping to address the Council's shortfall. However, the proposal would result in harm to highway safety, and, as such it would be contrary to the aims of the Framework to ensure that development does not have an unacceptable impact on highway safety.
18. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.

Conclusion

19. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

¹ The Sites and Policies Plan Part 1: Development Management Policies (July 2016)

Tamsin Law

INSPECTOR