



Appeal Decision

Site Visit made on 16 August 2021 by B Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2021

Appeal Ref: APP/P0119/W/21/3272961

School House, The British, Yate, Bristol, BS37 7LH

- 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 Mrs Louise Williams against the decision of South Gloucestershire Council.
 - The application Ref P21/00572/F, dated 29 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is the erection of 1 no. dwelling with access and associated works.
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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.

Applications for costs

3. An application for costs was made by Mrs Louise Williams against the decision of South Gloucestershire Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). The parties have had the opportunity to comment on this change and the responses received have been considered within the appeal decision.
5. I have also dealt with another appeal (Ref. APP/P0119/W/21/3274280) on part of the same site. That appeal is the subject of a separate decision.

Main Issue

6. The main issue is the effect of the proposed development on highway safety.

Reasons for the Recommendation

7. The existing junction and access from North Road onto The British are identified by the highway authority as being substandard in terms of visibility in one direction, in width despite various improvements over recent years. The British itself is also narrow for much of its length, therefore the ability for

vehicles to pass each other is limited to using the private driveways of existing properties, which is undesirable, or the two formal passing bays, one of which is opposite the site. Opportunities for turning are also very limited, which the appellant advises results in vehicles reversing onto North Road.

8. Given the low number of dwellings on The British and its cul-de-sac nature, vehicular movements are relatively small, and given the constraints of the road, speeds are also likely to be low. In addition, there is no evidence of a formal record of incidents or accidents in the vicinity. However, due to the constraints of the road and limited ability for passing and turning, the possibility of conflict between vehicles and subsequent awkward manoeuvring is high. The lack of any footway means that conflict with pedestrians is also likely, particularly given the location of the North Road Community Primary School's playing field at the dog leg of the lane, which requires pupils to walk past the appeal site to reach it.
9. The proposal would result in additional vehicle movements throughout the day, including 1 additional movement in each peak hour. While numerically small, this would nevertheless be a moderate increase to existing traffic movements on The British which are said to be 5 to 6 movements per hour in peak times. This would increase potential for conflict on The British and at the junction between vehicles and with pedestrians.
10. The appellant refers to permissions granted for several new dwellings along The British over a period of several years, at which times the individual and cumulative traffic impacts of those additional properties were found acceptable. The Council advises that the two properties opposite were approved due to the highway safety benefits of the passing bay. One of those permissions has since lapsed, which was for a 1 bed property. While it may have had the same number of parking spaces as this scheme, the 3-bedroom dwelling now proposed would likely serve a family and would therefore be likely to generate more trips than a 1 bed dwelling, with journeys to work, school, shopping and other activities. Therefore, while there is still one extant permission for a dwelling close to the site, the proposed dwelling would still generate more traffic movements than has previously been approved, resulting in increased potential for highway conflict.
11. The proposal includes an area of hardstanding across the site frontage opposite the existing turning bay. If made available for public use this would improve turning facilities at this end of The British which could help to address an existing issue with vehicles reversing out into North Road. The appellant suggests that this area would be offered for adoption, and therefore made available for public use. However, public access can only be secured through a planning obligation. There is no legal agreement before me and therefore no mechanism by which to ensure public access to this area would be provided. Consequently, the potential benefits of this additional space would be limited.
12. In any event, the substandard access at the junction with North Road would remain, and the incremental increase of highway journeys would exacerbate the existing issues and increase the potential for conflict. For example, two cars entering or exiting the junction would not see each other until they were close, and one would have to reverse back along The British to a passing bay. This would increase the possibility of driver error and would result in an increased delay for any waiting traffic.

13. The boundary of the school next to the junction is not within the ownership of the appellant. It is not clear who does own it, although the appellant suggests it is the Council. In any event, there is no scheme before me to show what works would be needed to improve visibility and whether they would be appropriate for a school boundary and acceptable to the owner and the school. It would not therefore be reasonable to impose a Grampian condition to improve visibility, as the condition would not be precise in terms of what would be required. Nor is there currently any prospect that the action in question would be performed within the time limit imposed by any permission. Furthermore, that there is no mechanism to secure the appellant's offer to fund such works. Consequently, I can afford the proposal to improve visibility very limited weight.
14. The appellant suggests they could convert the School House to a House in Multiple Occupation (HMO) under permitted development rights, generating additional traffic. The appeal statement sets out however that it is not the appellants intention to implement such a scheme, therefore it does not appear that there is a realistic probability that this would occur should the appeal be dismissed. No detail is provided in relation to likely traffic movements for a HMO in this location, and as such a direct comparison is not possible in any case. I therefore afford this limited weight.
15. The appellant's offer to revoke the approval to extend the School House is acknowledged, however no mechanism is before me to formally revoke the permission so this carries minimal weight.
16. While there may be a proposal to reduce speed limits on The British and North Road, I have no details of whether this has been agreed or the timescale for implementation. I cannot therefore rely on such improvements taking place or be certain that they would mitigate the impacts of this proposal.
17. The appellant suggests that the use of a narrow section of The British as a drop off/collection point for pre-school pupils during the Covid-19 pandemic implies that it is considered safe for such use. However, this appears to have been a temporary solution to a difficult set of circumstances, and at a time when traffic levels were substantially lower than normal. I have no details of whether there were other options available to the school, how long this arrangement continued and any issues that may have resulted. Therefore, the use in this way does not, in my view, suggest that in normal traffic circumstances The British would be safe for vehicles to stop temporarily on the highway.
18. Accordingly, given the highway constraints in this location I find that the increase in traffic resulting from this proposal, even having regard to previous improvements, would result in unacceptable harm to highway safety. It would therefore conflict with PSP Policy PSP11, which requires appropriate and safe access to be provided for all mode trips and not generate traffic that would have an unacceptable effect on highway and road safety. This Policy is consistent with the highway safety policies of the Framework.

Planning Balance and Conclusion

19. The proposal would boost the supply of housing represent an efficient use of land in a location with reasonable access to services and facilities, as supported by the development plan, and would result in economic benefits from construction and occupation. The Council can however demonstrate a 5-year

supply of housing land. While this is not a cap on development and all dwellings make a valuable contribution to housing supply, in this context the benefits of one additional dwelling carry only limited weight.

20. The proposal would be acceptable in design and would provide suitable accommodation and parking for future occupiers. It could also provide ecological enhancements. However, it would result in unacceptable harm to highway safety. Given the importance attached to highway safety in local policy, it would therefore conflict with the development plan when read as a whole. The relevant policies are consistent with the Framework, therefore I give the conflict with them very substantial weight. I find therefore that the benefits of the scheme do not individually, or cumulatively, outweigh the harmful impact identified.
21. There are no material considerations, including the benefits of the proposal and the Framework, 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 not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

L McKay

INSPECTOR