



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/21/3274280

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 P20/23983/F, dated 9 December 2020, was refused by notice dated 29 January 2021.
 - The development proposed is the erection of 2 no. dwellings with new accesses, parking provision, a new public footpath and other 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.

Preliminary Matters

3. 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.
4. I have also dealt with another appeal (Ref. APP/P0119/W/21/3272961) on the same site. That appeal is the subject of a separate decision.
5. The appellant has suggested various alterations to the appeal scheme including reducing the number of parking spaces for the two dwellings, however there are no plans of these alternatives before me. The Council determined the application on the basis of the submitted plans and I will do the same.

Main Issues

6. The main issues in this case are whether the proposal would represent high-quality design having regard to local and national planning policies and the effect of the proposed development on highway safety.

Reasons for the Recommendation

Design

7. The British is a dog-leg shaped cul-de-sac characterised by detached dwellings of varying scale and appearance, with a number sitting directly next to the highway and others set back from it. Most sit in substantial plots with spacious gaps between the properties, although newer development is more closely spaced. The general sense of spaciousness and verdant surroundings resulting from this pattern of development give the road an informal edge of settlement feel quite different to the more suburban development of North Road.
8. The existing substantial side garden of School House is highly visible in the street scene, providing a soft edge to this part of the road and contributing to its open character. Opposite the appeal site are two recently constructed detached dwellings separated by a parking area which provide a degree of enclosure on that side of the road, increasing the importance of the appeal site to the spacious character of the road. Extensions to School House and a dwelling at the end of the garden next to the appeal site have been permitted but not yet constructed. Even if both permissions were implemented there would remain a substantial garden area between them, retaining a significant degree of openness.
9. There is variety in the design, form and scale of the dwellings along the road, and in these respects the dormer bungalow style of the proposed dwellings would not appear out of place, and there are dormers elsewhere locally. The proposed materials may not be common on The British but appear to have been approved for the extensions to the School House, and in any event final details could be secured by a planning condition. The proposed dwellings would also be set back from the highway and the plots would be similar in size to those of the new build dwellings opposite and not significantly smaller than the approved dwelling adjacent. Garden sizes would also meet minimum local policy requirements.
10. Nonetheless, the existing dwellings are detached and pairs of dwellings do not form the character of The British. While there are semi-detached properties along North Road, that road has a distinctly different pattern of development to The British, with a mix of dwelling types and plot sizes. Due to the intervening buildings and the set back of the proposed dwellings from the road, the proposed dwellings would not be readily seen together with other pairs of dwellings, but instead with the detached dwellings that characterise The British. Therefore, the semi-detached nature of the proposed dwellings would be in marked contrast to the prevailing pattern of development on this road.
11. Furthermore, there would be only small gaps between the proposed dwellings and the School House and, if built, the permitted dwelling adjacent to the site. This close relationship between would be at odds with the much larger gaps between properties prevalent in this part of The British. Even if the approved extensions and dwelling were not built the gap between the proposed dwellings and School House would be significantly smaller than is prevalent in the surrounding area.
12. While buildings at the northern end of the road are somewhat closer together, the dwellings are separated by smaller outbuildings and, in any event, the tighter grain at that end of the road is different to the more spacious character

- around the appeal site. Those dwellings would not be seen together with the appeal site due to the bend in the road. Consequently, the proposal would appear cramped and would not reflect the prevailing pattern of development.
13. The proposal would result in a large expanse of hardstanding across the site frontage. The parking spaces would be separated by planting beds and use of different materials could further break up this expanse. Nevertheless, the opportunities for planting of any meaningful size would be limited given the narrow beds proposed and the need to open car doors. Therefore, the proposal would result in the site having a harder and more urbanised appearance than at present, diminishing the verdant appearance of this part of the road.
 14. While an area of frontage parking was accepted for the approved dwelling, more planting space was approved either side and the remaining garden of School House would have retained a significant green buffer between the two dwellings. If the approved dwelling were built, this would lead to three new dwellings in close proximity with an expanse of 9 parking spaces to the frontage, with limited opportunities for planting.
 15. Consequently, whether or not the neighbouring approved developments were implemented, the proposal would significantly diminish the spacious, open character of the appeal site. The spaciousness of this part of The British has already been affected by the two recent dwellings opposite, and the further erosion resulting from the appeal proposal would significantly and harmfully alter the verdant, spacious character of this part of the road.
 16. The road is narrow in front of the site and the side elevations of the dwellings opposite are close to the road. As a result, even with the footway proposed across the site frontage there would be limited space available for vehicles to manoeuvre into or out of some of the proposed parking spaces. No tracking drawings have been provided to show that these spaces could be used easily, and therefore it is likely that several manoeuvres would be required to enter or exit some of the parking spaces, particularly if the adjacent space was taken. As such, the parking provision would not function well.
 17. The appellant refers to approval of residential development of 89 dwellings on the open land to the north of the site, however I have not been provided with any details of that scheme. In any event, I am advised that it would not be accessed via The British, and it has not been demonstrated that it would impact the character and appearance of that road. As such, it does not justify the harm identified.
 18. The proposed rear gardens would meet the Council's minimum size standards, would be easily accessible from living areas and of a sufficient size and functional shape to meet the needs of a family sized 3 bed dwelling, with space for facilities such as play equipment and a clothes drying area. Due to the orientation of the proposed dwellings, their rear gardens would be directly to the north and as such would not be oriented to maximise sunlight. However, while shading from the proposed dwellings would reduce the amount of direct sunlight reaching the gardens during the middle of the day, there would be no buildings to the east or west of them, and with appropriate boundary treatment they would receive sunlight at other times. Consequently, the proposal would provide suitable and functional private outdoor space for future occupiers and a good quality of life for residents in this respect. There would therefore be no

conflict with Policies PSP8 and PSP43 of the South Gloucestershire Policies, Sites and Places Plan (2017) (PSP) in this respect.

19. Nevertheless, for the reasons above I find that the proposal would harm the character and appearance of the area and would not function well. It would conflict with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (2013) (CS) and Policy PSP1 of the PSP, which require development to achieve the highest possible standards of design and respond to the characteristics that make a positive contribution to the distinctiveness of the area. Furthermore, it would not meet the Framework requirements that developments function well, add to the overall quality of the area and be sympathetic to local character. Accordingly, the proposal would not be high-quality design having regard to local and national policies.

Highway Safety

20. The existing junction and access from North Road onto The British are identified by the highway authority as being substandard in terms of visibility and highway width. The road itself is also narrow for much of its length, therefore the ability for vehicles to pass each other is limited to using informal passing spaces including private driveways or the two formalised passing bays, one of which is opposite the site. Opportunities for turning are also very limited, and the appellant identifies that this currently causes issues for delivery vehicles.
21. The number of dwellings on The British is low and the overall number of vehicle movements therefore relatively small. The nature of the road is also likely to mean traffic speeds are low. As The British is a cul-de-sac vehicles are most likely to exit the site towards North Road rather than in the other direction.
22. Nonetheless, although there is good visibility along the stretch of The British leading to North Road the narrow width means there is a high possibility of conflict between vehicles travelling in different directions, requiring awkward manoeuvring to pass. The lack of any footway means that conflict with pedestrians is also likely, particularly as pupils from North Road Community Primary School have to walk past the appeal site to reach their playing field. In these circumstances, an increase in vehicular traffic on The British would have significant potential for harm to highway safety.
23. The Highway Authority anticipates that each dwelling would generate 5 or 6 vehicle movements per day while the appellant suggests it would be 3 to 4 per day, with one vehicle movement during each of the morning and evening peak hours. These lower figures have not been evidenced as the Transport Assessment referenced has not been submitted with this appeal. In my experience they seem unrealistically low for the proposed family-sized dwellings, who might make trips to work, school and other activities such as shopping, and as such I consider the Highway Authority's figures more representative. Nonetheless, even if the number of additional movements would be as low as the appellant suggests, that would still be a significant increase at peak hours and overall during the day compared to the existing low level of traffic on The British.
24. 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.

I have little information about these, although the evidence is that some of those schemes included improvements to the road which may have mitigated the impact of the resulting increase in traffic. There is no substantive evidence before me that those improvements increased the capacity for traffic on The British beyond that needed to accommodate those new dwellings. One of those permissions has since lapsed, however as it was for a 1 bed unit it would have generated significantly less traffic than this proposal. Furthermore, there is no compelling evidence before me that the traffic situation at the time those permissions were granted was comparable to now. Therefore, I consider that the appeal proposal would have a greater impact on the highway than the cumulative impact of previously permitted schemes.

25. Consequently, the dwellings proposed would significantly increase traffic movements onto this constrained road compared to either the existing or permitted situation. Due to the highway constraints in this location this would materially and harmfully increase the potential for conflict between vehicles and with pedestrians, particularly vulnerable school children. Furthermore, for the reasons set out above the layout of the parking spaces would require additional manoeuvring on the highway, which would increase the possibility of conflict.
26. 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.
27. The appellant refers to improvements having been made to the junction with North Road and there is no evidence before me of a formal record of incidents or accidents at the junction. However, visibility is still restricted on one side by railings along the school boundary. The proposal would increase traffic movements at this junction, and therefore the potential for conflict with vehicles using North Road, and pedestrians using the footway and the junction. This would further add to the harm to highway safety.
28. An area of 'widened road and tarmac footpath' is proposed along the site frontage, to provide a footway between the existing school gate and the end of this section of The British. The appellant suggests that this would be offered for adoption and therefore made available for public use, secured through a section 106 agreement, however no such agreement is before me. While physical provision of the footway could be required by planning condition, it is not within my power to compel the appellant to offer it to be dedicated as a highway or for public access, which would have to be secured through a planning obligation. Consequently, there is no mechanism before me to ensure public access to this land would be provided. Therefore, I cannot be certain that the footway would be made available for school children and other pedestrians as a refuge from walking on the road.
29. The appellant also suggests that this footway, taking the form of a very wide dropped kerb, could be used as additional roadway for vehicles to pass. It is unclear whether this would provide sufficient width for two-way traffic movements but, in any event, it would be highly undesirable for vehicles to use this area as a passing bay if it were set out as a footway, as this would lead to further potential conflict with pedestrians. Consequently, I cannot be certain

that the proposed footway would provide the purported benefits to highway safety and I afford it limited weight.

30. The appellant contends that extending the School House and converting it to a Class C4 House in Multiple Occupation (HMO) could be permitted development, and that it would provide parking for '6 plus vehicles'. They also offer to revoke their existing permission to extend the School House, suggesting that the vehicular movements of the proposed dwellings with the School House remaining as a 2 bedroom dwelling with a smaller curtilage would be comparable to that of a 6 bed HMO. There is however no substantive evidence before me of the respective vehicular movements for these two alternatives. Furthermore, the appellant's appeal statement states that it is not their intention to implement their permitted development rights for an HMO so there is no realistic possibility that this would be implemented. Moreover, there is no mechanism before me to revoke the existing permission. As such, I afford this potential fallback situation minimal weight.
31. The proposal to relocate a streetlight outside the School House would improve manoeuvring for vehicles associated with that dwelling but that could also be achieved by implementing the existing permission for alterations to its access and turning arrangements. While there is no requirement in the relevant condition on that permission to retain such arrangements, it is unlikely that the occupants would choose to remove them once built and make manoeuvring more difficult once again. Therefore, I give this very limited weight.
32. The use of a narrow section of The British as a drop off/collection point for pre-school pupils during the Covid-19 pandemic 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 for and any highway issues that may have resulted. Therefore, the use in this way does not, in my view, suggest that in normal traffic conditions The British would be safe for vehicles to stop temporarily on the highway. The boundary wall of the school next to the junction is not within the ownership of the appellant and therefore I cannot give any weight to the suggestion to reduce its height.
33. Accordingly, I conclude that the additional traffic generated by the proposal would result in unacceptable harm to highway safety. It would conflict with PSP Policy PSP11 which sets out that, amongst other things, development will be acceptable where appropriate, safe, accessible, convenient and attractive access is provided for all mode trips; that residential developments are located on safe, useable walking and or cycling routes; and where it would not generate traffic that would have an unacceptable effect on highway and road safety. It would also conflict with the Framework requirement that safe and suitable access to the site be achieved for all users.

Planning Balance and Conclusion

34. The proposal would boost the supply of housing and represent an efficient use of land within a settlement boundary in a location with reasonable access to services and facilities, as supported by the development plan. The proposed dwellings would provide suitable internal and external accommodation and there would be some 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 two additional dwellings carry only modest weight.

35. Landscaping of the site has the potential to enhance biodiversity, however there is limited information provided regarding the existing or proposed biodiversity interest, therefore I afford it limited weight as a potential benefit. For the reasons set out above, I can only afford the footway and street-light proposals limited weight. The Council refers in its decision to PSP Policy PSP16 which sets out minimum car and cycle parking standards. The proposal would meet those standards with specific regards to parking space numbers and I am satisfied adequate that cycle spaces could be conditioned. Therefore, I find no conflict with that Policy.
36. However, the proposal would not represent high-quality design and would result in unacceptable harm to highway safety. Given the importance attached to these matters in local policy, I find that it conflicts with the development plan when read as a whole. Those policies are consistent with the Framework, therefore I give the conflict with them very substantial weight. The benefits of the scheme do not outweigh the harm identified.
37. I note that the appellant has concerns about how the application was dealt with by the Council. These are not however matters relevant to my determination of this appeal, which I have considered on its own merits.
38. For the reasons given above, I therefore recommend that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

39. 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