
Appeal Decision

Site visit made on 14 June 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/D0121/W/21/3280006
60 Station Road, Nailsea, Bristol BS48 2LL

- 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 P O'Brien of Rollo Homes against the decision of North Somerset Council.
 - The application Ref 20/P/0220/FUL, dated 28 January 2020, was refused by notice dated 17 March 2021.
 - The development proposed is the erection of a replacement dwelling and 2no. detached dwellings with parking and associated soft and hard landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was revised to reduce the number of proposed dwellings prior to the Council making its decision. Accordingly, in my heading above I have used the description of development given on the appeal form which is consistent with the decision notice.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety having regard to the visibility of the access onto Station Road, and;
 - The effect of the proposed access arrangements on the living conditions of the occupiers of 58A and 62 Station Road having regard to noise and vehicular activity.

Reasons

Character and appearance

4. The appeal site lies within a section of housing along the eastern side of Station Road. The form and style of the dwellings varies but most are detached and set within generous plots with established gardens and planting. Whilst there is some informality to their arrangement, the short section of houses nearest the appeal site generally face towards the road and are one plot deep with a broadly similar set back. Although located within the settlement of Nailsea,

there is an area of woodland to the east and open space to the north. A public right of way leading to the woodland from Station Road lies to the south of the appeal site and is adjacent to a section of its southern boundary. I observed that as one walks along the footpath towards the woodland, the extent of built form tapers out and that the view from the adjacent public open space towards the appeal site contained a bank of trees in which there was a general absence of built form. These factors allowed for a greater appreciation of the natural aspects of the environment and a semi-rural experience.

5. As such, the context of the appeal site contains a notable number of natural components giving it a verdant and spacious quality. This distinguishes this eastern section of Station Road from more conventional sub-urban housing layouts in evidence opposite. My views on this are generally consistent with the observations of Inspectors who have considered previous residential proposals¹ at the appeal site in 2009 and 2012.
6. The appeal site comprises a detached bungalow that generally aligns with the set back of properties either side but with most of the site extending eastwards behind the line of dwellings. The information before me indicates that this was once a paddock but the appellant states that it has longstanding use as garden land. Either way, the eastern portion and majority of the site comprises grass with mature trees and hedgerows along the side and rear boundaries², many of which are covered by a tree preservation order. The prevailing spaciousness and verdancy of the appeal site positively contributes towards the semi-rural characteristics of the area. The proximity and visibility of the trees to the adjacent public right of way, together with glimpses of the grassed area, reinforce natural aspects of the environment along its progression, thereby enriching the experience for the user.
7. The proposal would provide three detached dwellings. Although perpendicular to the road, Plot 1 would be in a generally equivalent position to the existing bungalow roughly aligning with 58A and 62 Station Road with a comparable size of footprint. The overall height would be modest as first floor living space would be accommodated within the roof space.
8. However, plots 2 and 3 comprise two generously proportioned, two storey detached dwellings and associated detached garages set well into the site. A considerable area of hardstanding would form the access driveway and turning area. The presence of this additional built form and associated activity into parts of the site that are largely devoid of such structures or vehicles would significantly erode its spacious and verdant qualities. Moreover, these dwellings would result in additional boundary treatments and probable associated seating, play equipment or similar objects which, in addition to a likely increase in ornamental planting would emphasise the domestic nature of the development to the detriment of its natural, more rural character.
9. The configuration of the appeal site relative to the public right of way, woodland and open space means the eastern part of the site would be sensitive to such development. Some of the elements described would be likely to be visible from the nearby public right of way, particularly at times of the year when trees are not in full leaf. Upper portions of the houses proposed at plots 2 and 3 would also be likely to punctuate gaps in the tree cover especially when

¹ Appeal references: APP/D0121/A/08/2081051 & APP/D0121/A/12/2178115

² Figure 2 Field Survey, Preliminary Ecological Appraisal prepared by IES Consulting

foliage is reduced and therefore, be seen from the adjacent open space. Moreover, there would be considerable areas of glazing in the rear elevations of the houses facing towards the public right of way to the south, as well as a series of windows in the front elevations that would face northwards towards the open space. These would make the properties particularly conspicuous when internally lit. As such, although the retention of mature and boundary trees and the proposed nature buffer may assist in reducing the degree of harm, they would not surmount it entirely.

10. Additionally, the siting of plots 2 and 3 would noticeably depart from the prevailing pattern of single plot residential development along this stretch of Station Road as they would be set considerably further back with no road frontage by comparison to most dwellings. In my view, the presence of some isolated exceptions to the general pattern of development would not provide sufficient justification for a more dispersed pattern of built form that would undermine the positive natural attributes of the area.
11. Cumulatively, these factors would diminish the semi-rural character and spaciousness currently experienced in the vicinity of the appeal site. Consequently, the siting of plots 2 and 3 would fail to be sympathetic to local character and history, including the surrounding built environment and landscape setting as required by paragraph 130 c) of the National Planning Policy Framework (the Framework). For similar reasons, it would fail to enhance the context, which is one of the ten characteristics of well-designed places identified in the National Design Guide. Paragraph 42 describes well-designed new development as being carefully sited and based on an understanding of the existing situation, including the landscape character and how places or developments sit within the landscape.
12. There is no dispute between the parties that the appeal site does not comprise designated amenity or local green space in the development plan. In this respect the situation differs from the circumstances of the previous appeals at the site in which it had been designated as an amenity area in a previous development plan. Nevertheless, policy SA6 of the Sites and Policies Plan, Part 2, Site Allocations Plan, April 2018 (SPP2) seeks to protect undesignated green spaces from detrimental impact. The policy refers to such spaces as those which make a worthwhile contribution to amenity and/or the townscape, character, setting and visual attractiveness of the settlement. The appellant points out that the Framework makes no reference to undesignated green spaces. However, neither does it prohibit a policy in relation to green space that fails to qualify for the high level of protection afforded by designation as local green space. As such, policy SA6 does not inherently conflict with the Framework.
13. The parties disagree as to whether the appeal site constitutes undesignated green space and therefore, whether policy SA6 is applicable. Effectively, this requires a judgement to be made largely based upon factors on the ground. Given the extent of positive natural attributes that the appeal site possesses and its proximity to the public right of way, woodland and open space, I consider that it presently adds to the attractiveness of the settlement and assists in providing a pleasant contrast and backdrop to the fabric of the built environment. Moreover, policy SA6 does not exclude privately owned land from qualifying as undesignated green space and overall, I consider the appeal site would fall within its scope. For the reasons already outlined, the siting and

presence of plots 2 and 3 would adversely affect those qualities resulting in a detrimental impact on the undesignated green space. This adds to my concerns regarding the character and appearance of the area.

14. The appellant highlights that the style of dwellings would be in keeping with the variety seen in the surrounding area and would utilise materials similar to the local palette. Nevertheless, these factors would not address or outweigh the more fundamental concerns I have identified in relation to the siting of plots 2 and 3.
15. Accordingly, I find that the proposal would have a harmful impact upon the character and appearance of the area, including undesignated green space. Therefore, it would conflict with policy CS12 of the North Somerset Core Strategy, January 2017 (CS), policies DM32, DM37 of the Development Management Policies, Sites and Policies Plan, Part 1, July 2016 (SPP1) and policy SA6 of the SPP2. Taken together these policies, amongst other matters, seek development that achieves a high quality design and placemaking that is sensitive to existing local character and avoids an adverse impact on the character of the area and undesignated green space.

Highway Safety

16. Policy DM24 of the SPP1 supports development provided it would not prejudice highway safety. This aligns with paragraph 111 of the Framework which states that development should only be refused on highways grounds under certain circumstances, one of which is if there would be an unacceptable impact on highway safety. Paragraph 110b) of the Framework stipulates that safe and suitable access to a development site should be achieved for all users.
17. The section of Station Road near to the appeal site has a 30mph speed limit. It is a busy stretch, close to schools and residences, leading to the High Street with various domestic accesses and road junctions along its progression. The width of the carriageway is not particularly generous, and footway provision is confined to the eastern side. The existing wide access from the appeal site is positioned near to a curve in the road and close to a junction with Horwood Road opposite. This alignment limits visibility and the drawing³ provided shows existing visibility splays as 2.4m x 14m to the south and 2.4m x 12m to the north.
18. The minimum Stopping Sight Distance (SSD) in Manual for Streets⁴ (MfS) on streets where 85th percentile speeds are 30mph is 43m when adjusted for bonnet length. This generally reflects the distance within which drivers need to be able to see ahead in order to stop safely. The speed survey information provided by the appellants indicates 85th percentile vehicle speeds of around 33mph along the relevant section of Station Road. On that basis, when applying the basic formula for SSD in MfS, the Council contend that the minimum SSD would be 47.27m to the south and 49.86m to the north. As such, there is a consensus that the present visibility at the existing site access is substandard.
19. The proposed alterations to narrow the access would also improve the gradient and would result in visibility splays of 2.4m x 16m to the south and 2.4 x 30m to the north. The measurement would be 2.4m x 27m to the south if taken to

³ Existing site access arrangements Drawing 04, Sheet 1 of 2

⁴ Section 7.5.3 and table 7.1, Manual for Streets

the centre line of the road. The appellants suggest this latter measurement would be appropriate as they contend it is not at all likely that an oncoming vehicle would straddle the centre line. However, given the mixed nature of traffic along Station Road, it is reasonably foreseeable that drivers may seek to overtake slower moving traffic such as cyclists or refuse collection vehicles, and this would generally necessitate breaching the central marker. Moreover, there would be no physical obstacle preventing such a manoeuvre. This contrasts with the instances illustrated in MfS⁵ where it is deemed appropriate to use an alternative left hand visibility splay because vehicles are unable to cross the centre line. Hence, I do not agree with the appellants that such an approach would be suitable in this context.

20. Therefore, although the proposed access arrangement would improve visibility to an extent, it would nevertheless still fall markedly short of the recommended minimum SSD in both directions. This would remain the case even if I were to accept the appellants suggestion that a 2m setback as opposed to the more typical 2.4m could be permitted. As the proposals would provide three, four bedroom dwellings it is likely that the number of vehicles using the access would be intensified by comparison to the present bungalow. Consequently, it would be more likely that vehicles turning out of the site would conflict with approaching vehicles, causing them to brake sharply or to take evasive action. Based on the evidence presented, I am not persuaded that the improvements proposed would warrant the increased use of an access with inadequate visibility.
21. Hence, the proposed development would unacceptably compromise the safety of other road users and the absence of accidents to date, is not in itself sufficient justification to exacerbate an unsuitable access arrangement. Overall, it would be detrimental to the safety of highway users contrary to the advice in the Framework.
22. Some reference is made to the potential for a package of wider traffic calming measures including speed cushions, signage, road markings, a new pedestrian crossing and a 20mph speed limit being secured by a planning condition. This in turn could have favourable implications for the visibility splay distances if traffic speeds were reduced as a consequence. Paragraph 56 of the Framework stipulates that planning conditions should only be imposed where, amongst other things, they are reasonable.
23. The Council highlights advice in the Department for Transport Circular 1, 2013 Setting Local Speed Limits, which states that the imposition of such speed limits should be evidence led and not used to solve isolated hazards such as a single junction or reduced forward visibility. The Highway Authority consider that there is little underlying evidence that the road conditions would otherwise justify the introduction of the traffic calming measures suggested. Cognisant of that, I am not convinced that it would be reasonable to impose a condition that ostensibly would conflict with specific national guidance on the introduction of such measures.
24. In coming to my views, I have taken account of historic comments of the Highway Authority dating from 2008 in relation to previous residential proposals at the site. Nevertheless, I have given greater weight to the more

⁵ Figure 7.18

recent comments of the Highway Authority made in response to the specific scheme before me.

25. Therefore, I find the proposal would have an unacceptable impact on highway safety and would be contrary to policy DM24 of the SPP1.

Living conditions

26. The access and parking arrangements for the proposed replacement dwelling are broadly similar to the existing situation and therefore, would have a negligible impact on the living conditions of the occupiers of flanking properties. However, proposed plots 2 and 3 would be located some distance from Station Road and to the east of the existing dwellings lining it. They would be served by a straight section of access drive and a turning area between the proposed replacement dwelling (Plot 1) and 58A Station Road that would subsequently curve northwards closer to the rear boundary of 62 Station Road.
27. The alignment of the access road is set within the site such that it would avoid being directly adjacent to the garden boundaries of Nos.58A and 62 and removed by some notable distance from either property. Furthermore, plots 2 and 3 would be likely to generate relatively limited traffic movements, which in the main would be domestic vehicles. Drawing these factors together, the extent of vehicular movements and associated noise would be likely to be relatively limited. Due to the separation distance, the impact on noise to occupiers inside the buildings of nos.58A and 62 would be likely to be marginal.
28. I accept that vehicle noise would be more perceptible from the rear garden areas. However, cognisant of the limited number of movements, such disturbance would be likely to be relatively infrequent and short-lived and so unlikely to unacceptably compromise the ability of neighbouring residents to enjoy their gardens. The Council also raises concerns that moving headlights could cause disturbance. However, such impacts could be suitably mitigated by boundary treatments and planting.
29. Accordingly, based on the evidence provided, I am satisfied that the proposed access arrangements would not result in unacceptable harm to the living conditions of residents at 58A or 60 Station Road having regard to noise and vehicular activity. It follows that I find no conflict with policy CS3 of the CS, which amongst other matters, states that development that would result in harm to amenity will only be permitted if the potential adverse effects would be mitigated to an acceptable level.

Other Matters

30. The proposal would provide an additional two dwellings as well as replace an existing dwelling, which would assist in boosting the overall supply, energy efficiency and condition of housing in the area. Recognition is given to the important contribution small sites can make to meeting housing requirements in paragraph 69 of the Framework. In addition, it would allow good access to a range of services and facilities in Nailsea, meaning that occupants would have a genuine choice as to means of travel other than the car. These are important factors that weigh in favour of the proposal. Furthermore, there would be economic benefits associated with the construction and activity of future occupants, and the development would generate some revenue for the Council. Enhancements to biodiversity could also be secured as part of the proposals.

Even so, the extent of the benefits accruing from the relatively modest scale of proposals would be limited in their extent.

31. The proposal would also make more efficient use of the land, general support for which is given in the Framework. However, I am mindful that paragraph 124d) states that the desirability of maintaining an area's prevailing character and setting should be taken into account. Given that I have found harm would result in this respect, this tempers the degree of weight the more efficient use of land attracts. Overall, I attribute moderate weight to the cumulative benefits associated with the development.
32. Reference is made to compliance with policy CS31 of the CS which supports the principle of residential development within the settlement of Nailsea. Nevertheless, compliance with one development plan policy does not signal compliance with all, and the development plan should be read as a whole. The absence of harm in relation to other development plan requirements are neutral factors in the overall balance.

Planning balance and conclusion

33. There is no dispute between the parties that the Council is unable to demonstrate a five year supply of deliverable housing sites, which is reinforced by the approach of the Inspector in a recent appeal decision⁶ that has been drawn to my attention. Whilst it was assumed in that case there was no five year housing land supply, the extent of any shortfall was not specified. Limited information has otherwise been provided by the parties in terms of quantifying the shortfall, save for a reference to a 4.2 years supply⁷. In these circumstances footnote 8 of paragraph 11 of the Framework deems that the policies which are most important for determining the application are out-of-date. There is nothing otherwise before me to show that the Framework policies in footnote 7 provide a clear reason for refusing the proposal. Consequently, 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.
34. Although I did not find harm would result to the living conditions of existing residents, there would be harm to the character and appearance of the area and unacceptable impact to highway safety. The Framework stipulates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve⁸. It further states that safe and suitable access for all users should be ensured⁹. Therefore, the conflict with development policies identified in relation to these matters, which are broadly consistent with the Framework in these regards, attracts significant weight. It follows that significant weight is given to the harm arising from the conflict with the policies of the development plan taken as a whole.
35. I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

⁶ Appeal reference APP/D0121/W/21/3285343

⁷ Council's delegated report, page 8

⁸ Paragraph 126

⁹ Paragraph 110b)

36. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹⁰. There are no other considerations, including the provisions of the Framework, which outweigh this finding.

37. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹⁰ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.