



Appeal Decision

Site visit made on 24 May 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/Z0116/W/22/3292875

Land to the rear of 382, 384 and 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 outline planning permission
 - The appeal is made by Helen Sims-Williams against Bristol City Council.
 - The application Ref 21/06699/P, is dated 13 December 2021.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed and planning permission for the erection of a dwelling is refused.

Application for costs

2. An application for costs was made by Helen Sims-Williams against Bristol City Council. This application is the subject of a separate Decision.

Main Issue

3. The appeal results from the failure of the Council to determine the application within the prescribed period. The Council says it would have granted permission, had it been able to do so, but subject to a Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 being entered into in respect of road markings and signage. Therefore, from the evidence before me, the main issue is the effect of the proposal on highway safety.

Reasons

4. The application is in outline, with access being considered at this stage. There is currently an access into the site off Southmead Road. However, within the highway itself, partially blocking access and egress into the site, is a marked and signed on-street parking bay.
5. Removal of the parking bay would require a financial contribution to the Council, to fund changes including to the road markings through a Traffic Regulation Order (TRO). The proposed plan refers to an earlier planning approval¹ for removal of some of the bays here. However, I have no details of this consent and as shown on the appeal plan, the approved removal of bays does not extend to the bay immediately in front of the appeal site.

¹ LPA reference 19/02177/F

6. There is no dispute that a UU is required, but I have no such undertaking or legal agreement before me. On this basis, no mechanism for funding removal of the parking bay and the associated TRO has been secured.
7. I have considered whether the removal of the bay is necessary in respect of highway safety. The appeal site is currently vacant, and the proposal would intensify use of the access. Without its removal, if the on-street parking bay were legitimately used, cars entering or leaving the site would have to negotiate around the vehicle parked in the bay.
8. A passing box is proposed in case two vehicles intend to use the narrow access driveway from either direction, to avoid one waiting in the road. If both the passing box and the bay are occupied, there would be little or no room for vehicles to enter or leave the site. Even if the passing box were not occupied, a vehicle leaving the site would have its visibility of road users impeded by the parked vehicle. Furthermore, the manoeuvring necessary to avoid the occupied parking bay would result in vehicles leaving the site initially travelling against the flow of traffic, resulting in conflict with road users.
9. Therefore, without a mechanism to secure removal of the parking bay, the proposal would be harmful to highway safety. As such it would be contrary to Policy DM23 of the Bristol Local Plan, Site Allocations and Development Management Policies (adopted 2014), which requires proposals to have safe and adequate access onto the highway network. It would also be contrary to the requirement of the National Planning Policy Framework (the Framework) at paragraph 110 for safe and suitable access to the site for all users.

Other Matters

10. Representations have been made regarding the 'hemming in' of the dwelling by existing boundary treatments. However, the site is large enough to ensure that its occupiers would have adequate living conditions in respect of outlook and space. The dwelling would indicatively have two car parking spaces, which would be adequate.
11. The site is positioned behind other development and consists of hard surfacing. As a result, there would be no harm to the area's character and appearance from its development as indicatively proposed. There is no substantive evidence that the proposal would result in a worsening of anti-social behaviour or would affect the need for HMOs. I note that the Council has not objected to the proposal in respect of any of these matters.

Conclusion

12. Nevertheless, for the reasons given above, having considered the Development Plan as a whole and all other material considerations, including the Framework, I conclude that the appeal should be dismissed, and planning permission refused.

O Marigold

INSPECTOR