



Appeal Decision

Site visit made on 6 December 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/F0114/W/22/3301634
73 Cameley Green, Twerton, Bath BA2 1SB

- 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 Ms Lisa Morris against the decision of Bath and North East Somerset Council.
 - The application Ref 21/04904/FUL, dated 28 October 2021, was refused by notice dated 23 February 2022.
 - The development proposed is the construction of new dwelling with lower ground floor and upper floor at street level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have noted that there is a discrepancy between the elevation drawing, reference 201021, and the Location and Block plan reference 201021/0. The elevation plan shows a narrower gap between the proposed dwelling and the host dwelling than that indicated on the Location and Block plan. As such, for clarity, I have assessed the appeal on the basis of the gap shown on the elevation plan.
3. The Council's second reason for refusal indicates that the proposal would not provide an appropriate level of on-site parking in accordance with the Council parking standards, which would exacerbate highways safety and residential amenity issues.
4. The Council's Statement of Case sets out that new parking standards are to be adopted within the Transport and Development Supplementary Planning Document (SPD). As it has been through public consultation and is close to adoption, significant weight can be attributed to it as an emerging SPD. Having regard to the new parking standards, the Council indicate that the provision of the single space would be sufficient for the proposed dwelling, and they wish to remove their objection over the lack of parking. However, they maintain their highway safety objection with respect to visibility from the proposed access. I have determined the appeal on this basis.

Main Issues

5. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; -

- The effect of the proposed development on pedestrian and highway safety.

Reasons

Character and Appearance

6. Cameley Green and the surrounding streets is a residential area. The layout of the estate is typically known as a Radburn design, where the back gardens of the dwellings face the road, and the front of the dwellings face each other over common areas of green space. The residential properties around the appeal site are predominately semi-detached two storey dwellings with a simple form with good spacing in-between. The appeal site is a two-storey semi-detached dwelling with a simple form on a corner plot. It adjoins the vehicle highways of Shaws Way and Pennard Green to the side and rear, and a large common area of green space to the front. Shaws Way is at an elevated position to the property.
7. The appeal site and the surrounding dwellings remain largely unchanged, with few two storey extensions or infill developments within the immediate context. As a consequence, the layout of the estates and the scale and appearance of the dwellings as well as the spaces in-between and at corners have largely been maintained. This consistency of appearance as well as the distinct layout and spaces contribute positively to the character and appearance of the area.
8. The proposal would be a split-level dwelling, with a single storey section fronting Shaws Way and the two storey side elevations fronting the green space and Pennard Green.
9. The proposed dwelling would have a similar depth, width and finish to the nearest dwellings. However, the orientation of the dwelling to face Shaws Way along with the split-level design would be at odds with the orientation and simple form of the nearest dwellings. Furthermore, the proposed dwelling would have smaller plot size, which is conspicuous by the lack of a gap between the proposed dwelling and the host property, resulting in development that would appear cramped and contrived. Accordingly, the orientation and design of the split-level dwelling, coupled with lack of any spacing in between would result in a proposal that would be odds with the existing pattern of development, and damaging the character and appearance of the area.
10. I have had regard to the fact that the dwelling would be seen as a single storey from certain positions on Shaws Way. Nevertheless, the orientation and form of the proposed split-level dwelling, coupled with the lack of spacing in between, would still be appreciable from localised views on Shaws Way, Cameley Green and Pennard Green. Its prominence from these localised views would exacerbate the detrimental impact of the proposal on the character and appearance of the area.
11. Accordingly, the proposed development would unacceptably impact on the character and appearance of the area, contrary to Policy CP6 of the Bath and North East Somerset Core Strategy 2014 (Core Strategy), and Policies D2, D3 and D7 of the Bath and North East Somerset Core Strategy and Placemaking Plan 2017 (Placemaking Plan). These policies, amongst other things, support proposed infill development where they are high quality designs, which contribute positively to, and do not harm, the local character, urban fabric and distinctiveness of an area.

12. It would also be contrary to Paragraph 124 (d) of the National Planning Policy Framework (the Framework), which requires development to make efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Highway and Pedestrian Safety

13. The vehicle access to the site is shown onto Shaws Way, in a similar manner to the existing parking area to the side of the host property and numerous neighbouring properties. The plot would allow for parking for one vehicle. Shaws Way is a bus route and is narrowed by parked cars on one side of the road and yellow lines restricting parking on the other. Given the depth of the proposed parking area, the manoeuvrability within the site would be limited and, therefore, it is likely that most vehicles would enter the site in a forward gear and exit in reverse.
14. The Council has indicated that the appellant did not detail the pedestrian (2m by 2m) and vehicle (2.4m by 25m) visibility splays at the access. As such, insufficient information was before them to determine its acceptability, leading to a substandard vehicle access.
15. I have had regard to the Council's position, but the proposed access is for a single dwelling, resulting in a slight increase in vehicle movements to and from the site. Shaws Way does appear to be a well-used bus route, but at the time of my visit there were clear and unobstructed views to the east and west of the proposed access. Therefore, I am of the view that sufficient visibility from the proposed access could be achieved, subject to a condition limiting the height of enclosures and landscaping either side of the proposed parking area. Having regard to the minimal increase in traffic, along with the visibility that could be achieved, the increased risk to pedestrian and vehicle conflicts from the proposed access would be negligible.
16. Accordingly, the proposed development would not have an unacceptable effect on pedestrian and highway safety. As such, the proposal complies with Policy ST7 of the Placemaking Plan, which states that development will be permitted provided, amongst other things, a suitable vehicular access is provided, and traffic of excessive volume, size or weight is not introduced onto an unsuitable road and highway safety is not prejudiced.
17. Furthermore, it complies with Paragraph 111 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

18. I acknowledge that a representation has been submitted that supports the proposal. However, the level of support shown does not outweigh the harm identified to the character and appearance of the area.

Planning Balance and Conclusion

19. The contribution that a new dwelling in an accessible location could make to the local housing stock is a benefit, albeit limited due to the small scale of the development. I also note that it would be an efficient use of the land, and there would be social and economic benefits from the construction of the new

dwelling, in terms of additional expenditure in the local economy and the creation of construction jobs. However, these benefits do not outweigh the harm I have identified to the character and appearance above.

20. For the reasons given and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR