



Appeal Decision

Site visit made on 24 January 2023

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

an Inspector appointed by the Secretary of State

Decision date: 16 February 2023

Appeal Ref: APP/D0121/W/22/3306931

9 Woodborough Road, Winscombe BS25 1AB

- 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 Tom Ware against the decision of North Somerset Council.
 - The application Ref 21/P/3354/FUL, dated 2 December 2021, was refused by notice dated 12 May 2022.
 - The development proposed is a timber frame carport with solar panels to an existing office carpark.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The use of the site for Churchill Investments office at 9 Woodborough Road was approved in 2008¹. As part of that development extensions and a parking area to the rear were agreed. The parking area to the rear now forms the site subject of this appeal. The Council has raised concerns that the completed works do not strictly accord with the approved 2008 development. Specifically, that conditions requiring the laying out of the parking area and provision of a bicycle rack and disabled access have not been discharged.
3. I have had regard to the information provided as evidence, however, for the avoidance of doubt, the implementation of the original 2008 scheme and any potential breaches of planning control are not something I can consider as part of this appeal. As such, I have determined the appeal based on the existing situation on site, which relates to an open hardstanding area to the rear of the site for the parking of vehicles associated with the commercial use.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on
 - pedestrian and highway safety.
 - the character and appearance of the area.
 - the living conditions of the occupants of 22 and 22a The Green, with regard to outlook and light.

¹ Council ref 08/P/0162/F

Reasons

Pedestrian and Highway Safety

5. Currently the parking area to the rear is open with no buildings or structures. The area is laid in a hard surface material and bordered by walls and fences either side. An existing opening provides access onto a shared access and The Green. The Green provides access to several commercial and residential properties, it is a narrow highway with no footways to the back of Woodborough Road.
6. The proposed development of the car port does not involve the intensification of the use at the site. Consequently, the proposed development would not result in an increase in traffic to and from the site or any increase in parking requirements, cycle provision or disabled access associated with the use. The three spaces would meet the dimensions for a parking space set out in the North Somerset Parking Standards Supplementary Planning Document (SPD). The appellant has also demonstrated in the Statement of Case that a disabled parking space could be provided as one of the three spaces when needed.
7. Although the development would not increase the level of use or the parking requirements at the site, the layout of the spaces and the proposed car port would limit the manoeuvrability within the site. Given the size and orientation of the car port and position of the supporting structures, the proposed development would limit the current open parking area. Due to the narrow width of The Green, this would result in a situation where most vehicles are likely to enter the parking area in a forward gear and exit in reverse. There are no footways on The Green and limited visibility is available in a westerly direction, making it difficult to reverse out of the site in a safe manner.
8. In view of the need reverse out of the site and the visibility issues, particularly when exiting, the layout of the spaces and the proposed car port would result in an unacceptable level of increased risk of vehicle and pedestrian conflicts to the detriment of highway safety along The Green.
9. The appellant has stated that under the current arrangement cars reverse out the parking area, the Green is not heavily trafficked, and it is alike reversing onto a residential street. I have had regard to this, but the current manoeuvrability within the site does allow for cars to potentially enter and exit in a forward gear. The improved visibility when exiting in a forward gear would result in a safer parking arrangement than the one proposed in this instance. There is also limited evidence before me to support the view that The Green is lightly trafficked or that it would be possible for a vehicle to enter and exit the car port in a forward gear when it is in place. As such, in my judgement the existing fall-back position would not be as harmful to pedestrian and highway safety as the proposal now before me.
10. Accordingly, based on the evidence before me and from what I saw on site, the proposed development would have an unacceptable impact on pedestrian and highway safety. Therefore, the proposal would fail to comply with Policies DM24 and DM28 of the North Somerset Sites and Policies Plan Part 1 2016 (Policies Plan), which amongst other things, indicates development will be permitted provided it would not prejudice highway safety. Planning applications must ensure that the functional parking needs of the development can be accommodated on or close to the site without prejudicing highway safety.

11. The scheme would also fail to accord with the paragraph 111 of the National Planning Policy Framework (The Framework), which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
12. The Council cite Policy CS11 of the North Somerset Core Strategy 2017 (Core Strategy) and North Somerset Parking Standards Supplementary Planning Document (SPD), which relates specifically to adequate parking provision being provided. As indicated, the proposal would not alter the parking needs for the site and the dimensions of the space are sufficient. As such, the scheme would not be contrary to the requirements of this policy, or the advice and guidance set out in the Parking Standards SPD.

Character and Appearance

13. The siting of the proposed development in the rear yard leads to the proposed development having a logical visual relationship with the built form on The Green. It is a narrow highway bordered by trees and gardens, but the backland nature of the road means there is a varied mix of dwellings and commercial properties with a varied scale, design as well as orientation to The Green. Although there are open garden spaces and low walls adjoining The Green, taller enclosures and ancillary outbuildings are also features, resulting in a varied and distinct character and appearance to the area.
14. Despite the solid nature of the roof structure, the car port would still have a largely open framed design. The car port would be subservient in scale and height to host building, and the simple form and height of the structure would be comparable to some detached garages and outbuildings in the vicinity. Furthermore, the visual impact of the car port would be moderated by its set back position from the Green and intervening buildings and greenery. As such, the introduction of the car port at this location would not adversely impact upon any openness or sense of space, which is valuable to the varied and distinct character and appearance of the area.
15. The Council has highlighted appeals to support their position.² It is difficult to make a comparison when I am not aware of the full facts of the highlighted cases. However, based on the information in the appeal decisions, these sites are not within the same location and are for different types of development. Consequently, the highlighted cases would not be comparable to the development subject of this appeal, and I have considered this scheme based on its own merits.
16. I, therefore, conclude that the proposed development would not lead to an adverse effect on the character and appearance of the surrounding area. The proposed development, in this regard, would comply with the design requirements of Policy CS12 of the Core Strategy, Policies DM32 of the Policies Plan and the advice and guidance in the North Somerset Residential Design Guide SPD (Section 2: Appearance and Character of house extensions and alterations). These policies and guidance seek to permit development of high-quality designed, which demonstrate sensitivity to the existing local character. Design solutions should seek to enhance local distinctiveness and contribute to the creation of a sense of place and identity.

² Appeal references APP/D0121/D/19/3230949, APP/D0121/D/20/3257195, APP/D0121/D/22/3295806

17. The scheme would also accord with paragraph 130 of the Framework, which, amongst other things, requires development to be sympathetic to local character and establish or maintain a strong sense of place.
18. The Council cite Policy DM62 of the Policies Plan. This policy refers to circumstances where additional retail development in local centres would be appropriate. Although the scheme is associated with an office use within the local centre, it does not propose any small-scale retail development. I do not consider this policy relevant to the proposed scheme.

Living conditions

19. The layout to the rear of 9 Woodborough Road is such that the rear of the proposed car port would adjoin a hardstanding parking area and the front of residential properties, 22 and 22a The Green.
20. Having regard to the existing layout, the outlook from the front windows at 22 and 22a The Green is already affected by the change in level (appeal site is slightly higher), the approved rear extension and boundary enclosure. Although the car port would be taller than the existing wall and fence, it would not extend closer to existing front windows, maintaining a reasonable degree of separation. In addition, even with the level change, the car port would be largely open with a single storey height. In view of this, the rear elevation and roof of the proposed car port would not be an overbearing development, which would adversely alter outlook, overshadowing and light currently experienced by the occupiers of No 22 and 22a The Green.
21. Consequently, the proposed development would not unacceptably affect the living conditions of the occupants of 22 and 22a The Green, with respect to outlook and light. As such, the proposed scheme would accord with the Policy DM32 of the Policies Plan and the North Somerset Residential Design Guide Supplementary Planning Document. This policy and guidance, require proposals to safeguard the living conditions for the that of adjoining occupiers from the loss of privacy, overlooking, overshadowing, or overbearing impact.

Other Matters

22. I note the proposed development would provide power to the appellant's cars via solar panels, helping strategies aimed at climate change and renewable energy. Such benefits would clearly assist to reduce carbon emissions. Nevertheless, given the small scale of the proposal, this benefit would be limited, which would not mitigate the impact of the proposal on pedestrian and highway safety.

Conclusion

23. For the reasons given above 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