



Appeal Decision

Site visit made on 21 February 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023.

Appeal Ref: APP/P0119/W/22/3308774

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 P22/01085/F, dated 16 February 2022, was refused by notice dated 14 April 2022.
 - The development proposed is erection of 1 no. one bed dwelling with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans showing the position of a new outbuilding currently being erected on the site. The amended plans also provide revised details of a proposed turning space. Given the minor nature of the changes, I consider that no party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal based on the amended plans. However, in doing so, the proposal remains as described in the banner heading above. In particular, the outbuilding to School House does not form part of the proposal before me.
3. The site has previously been the subject of dismissed appeals¹ for residential development. I have had regard to the planning history of the site, but I have reached my own conclusions on the proposal before me.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The British consists of a cul-de-sac, primarily of dwellings but with North Road Community Primary School at one corner. The British can only be accessed from North Road, at a junction where visibility for vehicles looking north on exit is restricted by physical features, including a wall and a telegraph pole. The British is narrow for much of its length, particularly at its entrance off North Road, where an existing building forms something of a tight bottleneck.
6. As such, there are no doubt occurrences when vehicles entering and leaving The British simultaneously require reversing movements within the

¹ PINS references APP/P0119/W/21/3272961 and APP/P0119/W/21/3274280

carriageway. The British has little or no footway and vehicles must pass close to a gate used by schoolchildren to access the separate school playing field, further along The British. No scheme is before me to improve this situation or visibility at the junction. For these reasons, an increase in traffic movements using The British would risk conflict with road users, including children.

7. The appeal proposal would have only one bedroom, which is less than the three bedrooms of the single dwelling on the site dismissed previously². Even so, as a further dwelling, it would generate more traffic movements using the road and junction, to which the Highway Authority objects.
8. To limit the traffic movements generated from the proposal, the appellant has suggested that a planning condition could restrict the number of adult occupiers of it to two. However, such a condition would provide little direct control over vehicular movements to and from the house, limiting its effectiveness. Moreover, in seeking to control the number of adults, it would place an excessive restriction on the future occupiers of the property. This would not be reasonable and so would conflict with one of the tests for conditions in the Planning Practice Guidance³ (PPG).
9. A condition has also been suggested by the appellant so that any future enlargement of the proposal would require planning permission. Even so, it would be difficult for the Council to resist, for example, small incremental additions to the new dwelling, which over time could well lead to its increased occupation and therefore traffic, defeating the purpose of the condition. As such, there would be little to limit the increase in the number of vehicles using the narrow road and sub-standard junction as a result of the proposal, harming highway safety, to which I give significant weight.
10. The proposal includes a new public turning area, using land within the application site and secured by a submitted Unilateral Undertaking (UU). Supermarket delivery vehicles, now used more regularly since Covid, could turn within this space, allowing them to leave in forward gear. This would be preferable to them reversing into or out of The British, past the school gate, which the appellant says occurs at present. Having regard to the evidence⁴ of the risks associated with reversing vehicles, the provision of this space would therefore result in a highway safety benefit.
11. However, most of the dwellings on the 'upper' section of The British, past its bend, have driveways or turning areas. These areas are generally in private ownership, and their use is not ideal. Nevertheless, the appellant's Vehicular Turning Assessment shows that in practice some vehicles including deliveries use these areas to turn, whether serving the respective property or not.
12. Furthermore, the properties opposite the appeal site have a wider section of highway and car parking spaces which, if not full, may also provide space to turn a delivery vehicle, including those serving the school. Delivery drivers may also choose to park on nearby North Road, where not restricted, to avoid negotiating the narrow bottleneck and the need to turn. Therefore, not all deliveries will necessarily involve a reversing movement at the junction with North Road.

² PINS reference PP/P0119/W/21/3272961

³ Paragraph: 003 Reference ID: 21a-003-20190723

⁴ Appendix C to the appellant's closing observations

13. I acknowledge that the proposal would result in some highway safety benefits by including the turning area. However, for the reasons given above, I give moderate weight to this benefit. Balanced against the overall increase in traffic generation, I find that the proposal as a whole would have a harmful effect on highway safety. As such, it would be contrary to Policy PSP11 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan, adopted November 2017, that resists unacceptable effects on highway and road safety. It would also conflict with the similar advice in the National Planning Policy Framework.

Other Considerations

Fallback

14. Planning permission⁵ has been granted to extend the existing School House to provide four bedrooms and erect an annex to it. The Council has also confirmed⁶ that the siting of a mobile home at School House would not require planning permission. Since the appeal was submitted, an outbuilding has been erected on the site, which the appellant says could in time be used as an annex, including having two bedrooms. The appellant considers these to be a realistic fallback option, and I see no reason to disagree.
15. The appellant has presented various ways in which School House could be occupied in the future. She considers that the proposal, including control over the extension of School House and use of its annex, would result in lower traffic levels than would otherwise be generated by the fallback without such controls. As such, it is argued that the proposal would result in a highway safety benefit.
16. To this end, a second UU submitted by the appellant would prevent implementation of the permissions to extend School House, so that it would remain a two-bed property. Similarly, the appellant has also suggested that a planning condition could limit use of the outbuilding to a garage, home office and gym, preventing its use as an annex. A condition is also suggested requiring planning permission for the siting of a mobile home within the site.
17. However, the outbuilding does not form part of the proposal before me, and I have few details of its intended layout. Even if I could restrict its use by condition, it would still provide additional floorspace for School House as a whole and so could potentially result in increased traffic generation from that property.
18. In any case, planning permission runs with the land, and neither the second UU or the suggested conditions would prevent subsequent planning applications being made to increase the size of School House, or to use the outbuilding for bedrooms, or for the siting of a mobile home. Faced with applications for such proposals, the Council would find them difficult to resist, especially given their recent approvals for the same development at School House. It would similarly be difficult for the Council to resist such applications for the proposed new dwelling.
19. In respect of a mobile home, the appellant has provided examples of conditions imposed by the Council elsewhere requiring planning permission for moveable objects such as horse boxes. I do not have full details of these permissions, but few if any appear to relate to dwellings, where occupiers would have a

⁵ LPA references P22/02110/HH, P20/10847/F

⁶ LPA reference P22/00699/CLP

reasonable expectation of keeping, for example, a caravan. Instead, the permissions seem to relate to equestrian or other uses. Therefore, they do not convince me that a condition preventing the siting of a mobile home would be reasonable or would meet the PPG's tests.

20. Therefore, whilst the fallback may well generate further traffic movements, the Council would not be able to realistically control an intensification of the use of School House, or the resultant traffic movements over time. As such, the proposal would not be preferable to the fallback and so does not justify or overcome the harm I identify above.

Other Matters

21. The appellant refers to other consents for dwellings at The British. Some have been refused, including on highway safety grounds⁷. Others have been approved, including because of highway visibility benefits to the south side of the junction⁸. Some have been approved without such benefits⁹. The appellant believes that the Council has been inconsistent, and that the proposal would only use the highway capacity vacated by earlier lapsed consents¹⁰. Even so, the proposal before me would result in a further dwelling beyond those which currently exist or have approval. It would therefore result in additional movements, causing the harm that I have already referred to.
22. Construction of the proposal would make a positive economic contribution to the area, as would its occupants both socially and economically. It would also add to the supply of housing. However, these benefits would be limited because of the size of the proposal, as a single unit of accommodation. The proposal would also provide a bird box and the planting of new trees. However, these are not inherent to the proposal and so I give them limited weight.
23. A Construction Management Plan would reduce the impacts of the development during building operations, but this would not overcome my concerns regarding the long-term provision of an additional dwelling at the site. I have also noted comments made about the Council's handling of the case and whether it visited the site. However, this has had little bearing on my consideration of the planning merits of the appeal.

Conclusion

24. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

⁷ Such as LPA reference P22/05577/F at Former Clinker Cottage

⁸ Such as LPA reference PK17/2400/F at Land to the rear of 218 North Road

⁹ Such as LPA reference PK20/20651/F east of the appeal site

¹⁰ Such as LPA reference PK15/4184/F at Former Clinker Cottage