



Appeal Decision

Site visit made on 7 March 2023

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th May 2023

Appeal Ref: APP/V3310/D/22/3313471

12 Peach Tree Close, Bridgwater, Somerset TA6 4XF

- 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 Julie Wood against the decision of Sedgemoor District Council.
 - The application Ref 08/22/00157, dated 12 September 2022, was refused by notice dated 7 November 2022.
 - The development is the retention of Railings (1.0m high x 5.66m length).
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Decision

1. The appeal is allowed and planning permission is granted for railings (1.0m high x 5.66m length) at 12 Peach Tree Close, Bridgwater, Somerset TA6 4XF, in accordance with the terms of the application Ref 08/22/00157, dated 12 September 2022, and the plans numbered 2022050 001.

Preliminary Matters

2. It was apparent from my visit that the railings had already been erected. Notwithstanding this, I have determined the appeal on the basis of the submitted drawings, rather than what has occurred on site.

Main Issue

3. The main issue is the effect of the railings on the living conditions of the occupiers of 10 Peach Tree Close, having particular regard to parking.

Reasons

4. The appeal property is positioned within a residential area comprising a variety of houses of similar ages and styles. 12 Peach Tree Close (No 12) is in part of the estate where there are mostly semi-detached and detached dwellings. In addition to the repeated style and forms of the houses within the estate, those near the appeal site have driveways to one side of the houses.
5. No 12 and 10 Peach Tree Close (No 10) have driveways and garages which are positioned together, with the driveway and garage for No 10 being alongside the flank wall of this house. The railings that are the subject of the appeal have been erected on site and are positioned within the driveway of No 12, close to the boundary of this property with

- No 10. There is unrestricted on-street parking available in the area and the front garden of No 12 provides further off-road parking spaces, with the access to these spaces necessitating use of part of the driveway.
6. The railings do not extend to the public footway, being set back from it. This, along with their low height and lightweight form is such that they do not obscure visibility for motorists using either of the drives. The railings would restrict the available space to users of the drives, particularly when opening car doors. However, the presence of the railings does not preclude the use of the drive of No 10, but would require that a degree of care needs to be taken when manoeuvring into the space and when opening car doors. Even if the railings were not present, such diligence would need to be observed if a car was parked on the driveway of No 12. Furthermore, such restrictions to use are present in many nearby properties as they also have driveways constrained by walls, and in some cases there are driveways with walls to both sides.
 7. The appellant has pointed out that the drives comply with the Council's parking space standards, and I saw that there is sufficient space for a car to be parked on the drive of No 10 and to allow the garage door to be opened. A car parked by the gas and electric boxes on the side of the house would pose some access restriction to these services. However, this is a characteristic shared by several other properties in the estate, and the dimensions of the drive are such that there would be space to accommodate access.
 8. The path to the front door of No 10 derives in part from a portion of the drive. Nevertheless, the railings would not restrict access to the path, and the length of the drive is such that it could accommodate a parked car without blocking access to the path nor require that a car be parked so as to overhang the footway.
 9. For these reasons the railings would not significantly harm the living conditions of nearby residents. The proposal would accord with the requirements of Policy D25 of the Sedgemoor Local Plan (2019) which seeks amongst other things, that development does not unacceptably impact upon the residential amenity of the occupants of nearby dwellings, thereby reflecting objectives of the National Planning Policy Framework.

Other Matters

10. The occupiers of No 10 have drawn my attention to the railings being contrary to the open character of the area. There are a number of properties with low railings within the estate, including nearby, some of which have a similar style and appearance as those that are the subject of the appeal. The railings have a transparent, recessive appearance due to their form and colour, as well as being low in height and set back from the public footway. They do not have a harmful impact on the character and appearance of the area. Any restrictions in property

deeds are matters for the relevant land owners, and are not for consideration at the appeal.

11. Reference has also been made regarding the behaviour of the parties, and the appellant has raised a number of issues with the Council's handling of the application, including the accuracy of pre-application advice. Such matters have to be pursued by other means separate from the appeal process and are not for me to consider.

Conditions

12. The railings have already been erected and are in accordance with the details provided on the submitted drawings. The parties have not suggested any conditions. Consequently, following my findings above, the development is considered acceptable and there is no need to impose further conditions, subject to referring to the plans effective in the decision.

Conclusion

13. Thus, for the reasons given above, and having considered all other matters raised, the appeal is allowed.

J J Evans

INSPECTOR