



Appeal Decision

Site visit made on 19 June 2023

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/P0119/W/23/3314597

294 New Cheltenham Road, Kingswood, Bristol BS15 4RD

- 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 Sarah-Jayne Knowles against the decision of South Gloucestershire Council.
 - The application Ref P22/06476/F, dated 14 November 2022, was refused by notice dated 20 December 2022.
 - Creation of vehicular access onto a classified highway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the application form and appeal form contained wording which is not a description of development, and which addressed the merits of the case. I have therefore used the wording given in the decision notice which accurately and concisely describes the proposal.
3. The proposed access would be onto a classified highway so requires planning permission. This is separate and in addition to any permissions which are required under other legislation to permit the creation of the vehicle crossover and drop kerb.

Main Issue

4. The main issue is the effect of the proposed vehicular access on the safety of pedestrians, cyclists and drivers using New Cheltenham Road and the adjacent roundabout.

Reasons

5. The site is a semi-detached dwelling fronting onto New Cheltenham Road, close to a roundabout. The road and roundabout are busy. There is an existing area of hard standing to the front of the dwelling which the proposed vehicular access would enable to be used for parking. There is a bus stop with shelter directly to the front of the dwelling and a telegraph pole and fixed street bin close to entrance to the proposed parking area.
6. Just before New Cheltenham Road meets the roundabout, triangular shaped road markings and raised surfacing separates the two sides of the road to allow safe entry to and exit from the roundabout for vehicles. The raised surface is divided and the pavement either side of the road is lowered to provide for a pedestrian crossing point before the roundabout. This layout is replicated on the end of the 3 other roads which join the roundabout.

7. The proposed vehicle access would join the road at the point where vehicles and cyclists leave the roundabout and take the bend onto New Cheltenham Road. It would also be very close to the pedestrian crossing point.
8. The appellant states they only have one car and could turn on site to enter and exit the parking area in forward gear. During my site visit I noted that the hard surfaced area proposed for parking is a reasonable size. Although no tracking information has been provided, it should be possible for a car to turn around on site, provided the area was otherwise kept clear. However, the ability to turn on site would depend on a number of factors, not least the size of the vehicle and its turning circle and the ability of the driver. The need for difficult manoeuvring within a limited space would likely deter some drivers from doing so. In addition, the parking area is of a sufficient size to accommodate more than 1 vehicle and it would not be possible to turn a vehicle on site if another vehicle, or any other form of obstruction, was present.
9. A planning condition requiring that all vehicles turn on site, specifying a maximum vehicle size, and/or restricting the number of vehicles which could be parked, would not be reasonable or realistically enforceable. Such a condition would therefore fail to meet the tests set out in the Planning Practice Guidance. Consequently, there would be no mechanism to prevent vehicles from reversing onto or from the road.
10. Given the nature of the road and the proximity to the roundabout, vehicles reversing from the site onto the road, or from the road onto the site, would be likely to impede the flow of traffic and cyclists leaving the roundabout, causing a significant risk to highway safety. Similarly, vehicles reversing into or out of the site would conflict with pedestrians on the pavement as well as those using the crossing point. The close proximity of the various elements of street furniture would impede visibility of pedestrians. While the risk to pedestrians would be greatest from reversing vehicles, the risk would not be entirely removed even if vehicles entered and exited the site in a forward gear.
11. My attention has been drawn to a number of examples of other dwellings in the area which have an access and vehicle parking to the front, where it is not possible to turn on site. Details of these are not before me but I viewed the examples during my site visit. The Council acknowledge that the accesses at 292 New Cheltenham Road and 111 Tennis Court Road have planning permission. They do not state when these permissions were granted and both policy and context can change over time. Both of these accesses are further away from the roundabout, pedestrian crossing area and bus shelter than the proposal subject to this appeal. Therefore, visibility is better and the potential for reversing vehicles to impede highway safety is less. The access into the Anchor day nursery is directly from the roundabout, but it has a separate exit and plenty of room on site for parking, meaning all vehicles can easily enter and leave the site in forward gear, without undue risk of impeding traffic or pedestrians. Accesses at 111, 148 and 150 New Cheltenham Road are close to bus shelters, but these are not also adjacent to a busy roundabout.
12. As a result of the factors outlined above, the implications for highway safety in the examples provided are significantly different to the appeal site. Notwithstanding this, each case must be considered on its own merits and the existence of other accesses near the appeal site does not justify an additional access which would exacerbate any existing highway safety issues.

13. I conclude that the proposed vehicle access would result in unacceptable harm to the safety of pedestrians, cyclists and drivers using New Cheltenham Road and the adjacent roundabout. Consequently, the development would not comply with Policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013) and PSP38 of the South Gloucestershire Local Plan Policies, Sites and Places Plan (adopted November 2017) (PSP). Together, amongst other things, these policies require that development does not prejudice highway safety and ensures safe access for all users. However, as the proposal would not generate a demand for travel, I find no specific conflict with Policy PSP11 of the PSP.

Other Matters

14. I have been provided with no evidence of any specific needs which would require the ability to park on site and might weigh in favour of the proposal. I acknowledge that the site does not have rear access, that it can be difficult to park on the street in the area, and that the appellant would like to get an electric car in the future. These factors do not outweigh the harm I have identified.

Conclusion

15. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR