



Appeal Decision

Site visit made on 17 May 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/Y3940/D/22/3310850

5 Bell Place, The Butts, Potterne, Devizes, Wiltshire SN10 5LY

- 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 Imran Akpala against the decision of Wiltshire Council.
 - The application Ref PL/2022/02001, dated 30 April 2022, was refused by notice dated 6 September 2022.
 - The development proposed is to have 6 kerbs dropped in order to have access from the A360 to a hardstanding driveway (block paving).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description from the application form, removing words which are not acts of development and are superfluous.

Main Issues

3. The main issues are:
 - The effect of the proposal on highway safety
 - The effect of the proposal on the character and appearance of the area.

Reasons

Highway Safety

4. The appeal property is one of a group known as Bell Place which fronts the A360, the main thoroughfare through Potterne. The properties are served by a car park located to the north of the site. Nearby are two bus stops within laybys, a roundabout and zebra crossing. There is also a convenience store located near to the roundabout. The road is busy, although vehicle speeds are relatively low as they approach, or leave the roundabout.
5. The proposed driveway would be located within the side garden of the property. The Council recommend that an area of at least 10m by 10m would be required to turn a vehicle, thereby allowing it to enter and exit the highway in a forward gear. As these figures have been recommended by the Highways Officer of the Local Authority who will be experienced in such matters, and in the absence of any vehicular tracking diagrams, I give them considerable weight. No substantive evidence has been provided disputing the validity of this recommendation.

6. The proposed parking area would be irregular in shape. Based on the evidence before me, the size of the space would fall some way short of the Council's recommendation. Moreover, having visited the site my own observations were that the space would be insufficient to turn a car within the plot meaning that any vehicle utilising the space would either need to reverse in to or out of the space. Despite the relatively low vehicle speeds, these manoeuvres on the busy A-road and over a footway would result in conflict between road users and an unacceptable increase in the risk to highway safety.
7. The Council state that car lengths can be 5.5m or more. Given the restricted size of the proposed driveway it is likely that cars using the space would encroach onto the pavement. This would cause pedestrians to step into the road, resulting in further risk to pedestrian safety.
8. The appellant contends that his car is 4m long and that it would be possible to park and turn this car within the proposed driveway. Even in the appellant's current vehicle it would not be possible to turn safely within the proposed driveway as there would be insufficient space for the manoeuvres required. Furthermore, the appellant or any subsequent owners of the property may have larger cars in the future.
9. In support of the appeal the appellant has provided photographs of other driveways off the A360 including at 46 Devizes Road. I have been provided with no details or dimensions of these driveways, however they are evidently larger than that proposed, and they are not therefore directly comparable to the scheme before me. In any event I must make my decision on the merits of the case before me, and I have found that the proposal would have a harmful effect on highway safety.
10. The Council refers to the lack of drainage and resulting surface water run-off which would result in an increased risk to highway safety. Were I to allow the appeal a suitably worded condition could be imposed requiring details of a drainage scheme which would adequately address this issue.
11. For these reasons the proposal would result in an increased risk to highway safety and therefore would conflict with Policies 60 and 61 of the Wiltshire Core Strategy (CS) (Adopted January 2015) which seek to ensure safe access to the highway network. Furthermore, it would conflict with paragraphs 110-112 of the National Planning Policy Framework (the Framework) which seek to ensure that proposals do not have an unacceptable impact on highway safety.

Character and appearance

12. Boundary treatments in the vicinity of the appeal site generally comprise a combination of brick walls, fencing and hedging. The existing front boundary of the appeal site is defined by a low wall and fencing and therefore it is appropriate to its context.
13. The submitted drawings are somewhat ambiguous in that no elevations are included and not all boundary treatments have been defined. However, the plan does indicate a brick wall on the front boundary which would be appropriate in terms of materials. Were I to allow the appeal a suitably worded condition could be imposed requiring the submission of boundary treatment details, which would adequately address this issue.

14. Subject to the condition as mentioned above the proposal would not cause harm to the character and appearance of the area. No particular local plan policy has been cited in the reason for refusal, however the proposal accords with paragraph 130 of the Framework which seeks to ensure that developments are sympathetic to local character.

Other Matters

15. The appeal site is within the setting of a Grade II listed building, The Bell Inn. I therefore have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building, its setting, or any features of special architectural or historic interest which the listed building possesses.
16. The Bell Inn is a former public house dating from the 18th century which was extended in the 19th century. It derives its significance from its architecture including its simple form, distinctive fenestration, and front door surround including fluted piers and projecting canopy. As a former public house, it also has historic and social interest and association with the history of the village. It is located on the back edge of the pavement directly adjacent to the appeal site. The side garden of the appeal property provides some separation between the buildings which allows the front and side elevation of The Bell Inn to be fully appreciated from the street. The proposal would not detract from the features of the listed building or the way in which it would be experienced from the street or any other vantage point. Therefore, the appeal proposal would preserve the setting of the listed building and would not cause harm to its special interest or significance.
17. The impact on the setting of the listed building has not been raised as a reason for refusal by the Council and there is no evidence before me which leads me to reach a contrary conclusion. I have not been provided with copies of relevant local plan policies however I find that the proposal would comply with the statutory duty and the Framework which collectively seek to promote the conservation of the historic environment.
18. In support of the appeal the appellant contends that they wish to create a driveway in order to install an electric vehicle charging point. Whilst this is a benefit of the proposals, it does not outweigh the harm that I have identified in respect of highway safety.

Conclusion

19. The proposal would not have an unacceptable effect on the character and appearance of the area, or the significance of a listed building, in terms of setting. However, it would have a harmful effect on highway safety and in my view, this is the prevailing consideration. I therefore conclude that the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR