



Appeal Decision

Site visit made on 15 August 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2023

Appeal Ref: APP/F0114/W/23/3317936

75 Poplar Close, Moorlands, Bath BA2 2JA

- 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 Rachael Wakefield against the decision of Bath and North East Somerset Council.
 - The application Ref 22/03595/FUL, dated 10 September 2022, was refused by notice dated 23 December 2022.
 - The development proposed is described as 'Installation of a hardstanding dual driveway installed with Porous Resin Bound Surfacing, in conjunction with neighbour at 76 Poplar Close. Application to include a duel dropped kerb between properties. Once complete we will look to install a charge point on side of house for an electric vehicle.'
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Decision

1. The appeal is allowed and planning permission is granted for 'Installation of a hardstanding dual driveway installed with Porous Resin Bound Surfacing, in conjunction with neighbour at 76 Poplar Close. Application to include a duel dropped kerb between properties. Once complete we will look to install a charge point on side of house for an electric vehicle' at 75 Poplar Close, Moorlands, Bath BA2 2JA in accordance with the terms of the application, Ref 22/03595/FUL, dated 10 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number 22/022/01 A Location Plan dated Oct 22 and Drawing Number 22/022/02 A – Block Plans Dated Oct 22.

Preliminary Matter

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises two-storey mid-terrace dwellings and their outdoor space. They form part of a wider estate planned with grassed verges, open space, and pathways to the front of properties. The frontages to dwellings are

generally open and grassed with associated parking on the street. There are however several examples within the wider estate where off-street parking has been provided immediately to the front of dwellings.

5. The new parking area would result in the loss of part of the grassed frontage to hard surfacing. However, it would be very modest in size, retain areas of the grassed frontage along with the existing paths leading to No's 75 and 76 Poplar Close. There would be no boundary fencing or other means of enclosure constructed alongside the hard surfacing. As a result, the parking area would not dominate the gardens or wider area and would adequately retain a sense of openness to the site frontage and would not significantly undermine the wider uniformity of the area. Moreover, at my site visit I saw examples of other frontage parking areas provided, particularly to Cotswold Road, that are in a similar context.
6. Whilst I recognise the lack of similar parking areas to other parts of Poplar Close, this is partly due to the other dwellings/terraces generally being set back behind footpaths such that they do not have front gardens directly adjoining the road. This minimises opportunities for similar frontage parking to other parts of Poplar Close.
7. Given the above, I conclude that the appeal proposal would not harm the character and appearance of the area in accordance with Policies D2 and D4 of the Bath and North East Somerset Local Plan 2011-2029 Core Strategy & Placemaking Plan District-wide Strategy and Policies (2017) and the National Planning Policy Framework (the Framework). Amongst other things, these require that developments contribute positively to and do not harm local character and distinctiveness, that car parking should not dominate the design of the development or the public realm and achieve well designed places.

Other Matters

8. The proposal would result in an opportunity for the occupiers of No's 75 and 76 Poplar Close to benefit from the provision of off-street EV charging points in an area where I have not been provided with any evidence of the availability of alternative on-street charging. I give this benefit moderate weight.
9. I note that the parties cannot agree on whether the proposal, or different proposals for separate parking areas to the front of No's 75 and 76 Poplar Close would constitute permitted development. However, this is not a matter for my consideration, and I have a duty to determine the appeal as submitted.

Conditions

10. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

C Rose

INSPECTOR