

Appeal Decision

Site visit made on 6 September 2023

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th September 2023

Appeal Ref: APP/F0114/D/23/3324795

Three Ways, Station Road, Clutton, Bristol, BS39 5PD

- 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 Izzy Dean against the decision of Bath and North East Somerset Council.
 - The application Ref 22/05179/FUL, dated 28 December 2022, was refused by notice dated 21 April 2023.
 - The development proposed is the construction of a hardstanding.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons.

3. The appeal property is a semi-detached bungalow, which is sited on a junction. It thus has two frontages – one onto Station Road, the other onto Venus Lane. Station Road, which is relatively narrow, sloping and tortuous, runs through the centre of the village and is subject to a 20mph speed limit. It has no footways, but road markings indicate where pedestrians are intended to walk. A form of lay-by is seen to the front of the house, but this, it appears, does not form part of the public highway. It was partly used for parking at the time of my visit.
4. The appellant wishes to form a hardstanding in the garden at the front of the house to be used as two parking bays. A previous proposal for the erection of a dwelling alongside Three Ways was the subject of an appeal¹, which was dismissed on highway safety grounds. A hardstanding at the front was also proposed then, although it was sited closer to Venus Lane. I note the appellant's view that she considers the Council is unable to separate the current proposal from the previous proposed development. However, being part of the recent planning history, that appeal is material to my considerations, although I am not bound by my colleague's conclusions.
5. The appellant considers the Council to be over-zealous in its application of visibility standards. However, these are the standards recommended in Manual for Streets, which forms national guidance utilized by many local highway authorities. The appellant does not dispute that the required standards cannot be achieved on land in her control or ownership. In circumstances where the

¹ Ref F0114/W/21/3267530 dated 23 June 2021

hardstanding would be sited close to a junction and where the segregation between vehicles and pedestrians is far from ideal from a safety standpoint, the additional access created here would in my view have the potential to create more and unnecessary potential safety problems than is currently the case.

6. The appellant asserts that the creation of the hardstanding would remove an obstruction from the highway, that created by the use of the layby. That may be the case in front of the appeal property, but during my visit a vehicle was parked in the layby directly in front of Rowan, the attached property. The creation of the hardstanding would not prevent such parking occurring in future, and if it were to occur, visibilities to the left would be severely curtailed for emerging drivers. Nor is there a guarantee that vehicles would reverse from the highway into the car spaces on the hardstanding. If they were not to do so, drivers would need to reverse their vehicles onto Station Road, thus creating the potential for additional danger.
7. The appellant says that the existing parking arrangements for the dwelling are unsatisfactory, in the sense that the existing garage is considered too small for modern vehicles, and it and the car space in front on its drive are considered 'remote' from the bungalow and are at a lower level. However, I note that the garage and driveway were proposed by the appellant as acceptable places to park when the previous appeal was considered.
8. The bungalow is served by what I regard as adequate, if not entirely ideal parking arrangements, and the appellant has not presented convincing evidence to persuade me that an additional two spaces are required to serve its reasonable needs. In circumstances where adequate visibilities either cannot be obtained or guaranteed, close to a junction and where pedestrians, including schoolchildren, pass regularly, I find no compelling need for the additional spaces which would put highway and pedestrian safety at risk.
9. I therefore conclude that the proposal, on account of the potential safety hazard created, would conflict with the provisions of policy Policy ST7 of the Bath & North East Somerset Local Plan Partial Update, which seeks to ensure that highway safety is not prejudiced by development proposals.

Other matters

10. I note the references to other development plan policies, but those to which I have referred are considered the most relevant in this case. I have also noted the references to the *National Planning Policy Framework*.
11. I have taken into account the views of the Parish Council and those of a local resident.
12. No other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

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