



Appeal Decision

Site visit made on 7 November 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 28TH November 2023

Appeal Ref: APP/P0119/W/23/3322059

163 High Street, Oldham Common, Bristol BS30 9TD

- 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 Miss Rachel Painter against the decision of South Gloucestershire Council.
 - The application Ref P23/00243/F, dated 22 January 2023, was refused by notice dated 30 March 2023.
 - The development proposed is described as the installation of a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the proposed development from the Council's Decision Notice which provides more detail as to the elements requiring planning consent.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. The appeal site is a mid-terraced property in a group of 3 Victorian terraced properties (Nos 161 – 165 odd) that have the same setback from High Street and a development of 3 later single storey terraced properties that have a greater setback and face towards the corner of High Street and Castle Road. The dwellings of Nos 161-165 have a small narrow front garden with stone front boundary walls. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however I have also considered the evidence submitted by both main parties, and in light of this, I am satisfied that what I saw represents typical conditions.
5. High Street is a single carriageway in each direction and is a classified 'A' road which provides a pedestrian and vehicular route between the A420 London Road and the A431 Bath Road, surrounding schools and industrial areas. Whilst carrying more vehicles and higher weight classes of vehicles than the surrounding residential streets and cul-de-sacs, High Street has a low speed limit of 30 miles per hour. The road at the appeal site is relatively straight and contains predominantly unrestricted parking on both sides and sections of double yellow lines. The road contains street lighting and relatively narrow pedestrian footpaths adjacent to the road.

6. In front of the appeal site is unrestricted on-street parking, where cars were parking on both sides, with some partly mounting the footpath, which allowed a narrow section to the centre. I noted that vehicles parked on the sides of the road led to some oncoming vehicles waiting within the highway before passing the parked vehicles in order to allow oncoming vehicles to proceed safely. At the time of my visit, in the morning, the footpaths on both sides of High Street were well used particularly by adults and school children. Based on what I saw on my site visit I deduce that despite its deficiencies, High Street operates satisfactorily without any significant safety issues. Whilst I have not been presented with any accident data, the absence of formal accident data does not in itself mean that accidents have not occurred, near misses, or indeed that a carriageway is 'safe.'
7. The South Gloucestershire Local Plan (LP) Policy PSP11 lists a number of considerations around transport which includes providing appropriate, safe, accessible, convenient and attractive access for all mode trips, and LP Policy PSP16 seeks to provide parking in accordance with specified parking standards where a footnote to the policy notes that a parking space should typically be a minimum of 2.4m x 4.8m, however where a space is to the front of a dwelling, the depth is required to be increased to 5.5 metres to avoid vehicles overhanging the pavement.
8. The proposed parking area would allow some limited visibility for users of the proposed access to exit, however this would be more difficult if reversing onto the road and particularly if there were vehicles parked on the sides of the road. The space available in the front garden of the appeal property is not large enough for a vehicle to turn and exit in a forward gear, with the driver either needing to reverse onto the road, or utilise the pedestrian footpath to turn and enter the carriageway in a forward direction. Both of these scenarios are problematic, particularly to the free flow of traffic on this classified road, and to pedestrian's safety whilst utilising the footpath, which would not comply with LP Policies PSP11 or PSP16.
9. The Appellant in their Statement of Case (SoC) notes that there are approvals by the Council of dropped kerbs to fronts of properties along A431 Bath Rd, Longwell Green.¹ Whilst I have only been presented with the decision notices of these determinations, having visited these sites, the front garden areas are much wider and deeper and would appear to meet the Council's policy. I am also aware from my site visit that there are driveways along High Street which do not meet the Council's current standards and allow vehicles to reverse onto the street. I have not been presented with any evidence that concludes that such accesses have approval, with the Council commenting that many accesses are either historic or do not benefit from planning consent. Be that as it may, the presence of other accesses does not provide suitable justification to accentuate the level of harm caused to highway safety as a result of this particular development.
10. I can also appreciate the benefits of the proposed scheme, such as the ability to place a car charger which the Council are seeking to promote environmental sustainability and technologies to encourage electric vehicles. I also acknowledge that the appellant sometimes can't park in front of their property and needs to walk distances in the early hours of the morning which makes

¹ South Gloucestershire Planning Ref: P20/20935/F, 84 Bath Road & P19/4518/F 86 Bath Road

them feel vulnerable and that this proposal would relieve this feeling. Other benefits of the development which are mentioned include concerns around the heavy vehicular traffic that has caused damage to parked vehicles and this proposal would relieve this effect.

11. I have considered these benefits, which would not provide sufficient justification to outweigh the harm caused. What is clear to me from my observations on site and from the LP Policy is that the proposal for a dropped kerb and parking area to the front of the appeal site would be problematic to the free flow of traffic and pedestrian safety as a result of this proposed development and there is nothing before me to suggest that alternatives have been considered.
12. Consequently, and in conclusion of this matter, the proposal would cause material harm towards pedestrian safety and the free flow of traffic, and would be contrary to LP Policy PSP11 and PSP16 as described above.

Conclusion

13. Taking the above into account, I conclude that the appeal be dismissed.

J Somers

INSPECTOR