



Appeal Decision

Site visit made on 23 January 2024

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/D0121/W/23/3327041

2 The Crescent, Backwell, North Somerset BS48 3NL

- 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 M Vanessa Bellingham against the decision of North Somerset Council.
 - The application Ref 22/P/2952/FUL, dated 9 December 2022, was refused by notice dated 4 April 2023.
 - The development proposed is new dwelling to land adj 2 The Crescent.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal process the appellant has submitted amended plans and information in relation to highway access and tree protection. They suggest that this information should be considered in the appeal decision to address concerns in relation to highway safety.
3. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. The change within the plans relate to the provision of parking spaces, demonstration of visibility splays, tracking plans as well as a tree protection plan. I have had regard to the degree of engagement of the main parties, concerns of interested parties and the interests of fairness. Noting the opportunity for the Council to fully respond, and that the amendments do not fundamentally alter the proposal, I do not consider that any party will be prejudiced if I take the information into account. I have subsequently referred to them in reaching my decision.
4. During the course of the appeal the revised National Planning Policy Framework (Framework) was published. The main parties have had the opportunity to make comment on any implications of this change during the appeal timetable.
5. The appellant's name appears on the application form as 'Bellingham'. However, for clarity I have used the name as it appears on the appeal form in the banner heading above.

Main Issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and

- highway safety.

Reasons

Character and appearance

7. The appeal site is an area of garden located on a corner plot between The Crescent and Station Road. The Crescent is a cul-de-sac featuring traditional two storey semi-detached dwellings whilst Station Road features a mixture of dwellings featuring single and two storey detached and semi-detached properties. However, despite the variety of dwellings, Station Road retains an open, spacious and verdant character, due to the set back of properties to the road, and the proliferation of hedging and trees within roadside gardens and boundaries.
8. The North Somerset Residential Design Guide Supplementary Planning Document Section 2: Appearance and Character of house extension and alterations, relates particularly to house extensions and alterations as opposed to new dwellings. However, of relevance it does note that particular attention needs to be paid to design on corner plots because they can encroach over the building line on either highway frontage, and therefore be particularly prominent in the street scene.
9. Although the proposed dwelling would be setback from the existing building line of the neighbouring properties within the Crescent, it would significantly project beyond the established building line of the Station Road frontage. Notwithstanding, the proposed dwelling would share a number of traditional design features with the nearby neighbouring properties including projecting windows and hipped roof and is of a similar scale. However, due to its detached form, and hipped roof running perpendicular to that of its neighbours, it would appear conspicuous against the uniformity of semi-detached dwellings within The Crescent.
10. It is put to me that the setback from Station Road would exceed 4.5m, and the existing Laurel hedge would remain. A Tree Protection Plan indicates that the hedging could be retained during construction although the appellant accepts some trimming would be required to the internal side of the hedge. However, even if the laurel hedging were to be retained, given the size of the hedge I observed and the proximity to the proposal including a parking area, there could still be future pressure for additional trimming. Therefore, even with a comprehensive landscape scheme and potential protection through planning condition, I cannot be certain of its long-term screening effectiveness.
11. Notwithstanding, even if the hedging were to be retained in its present form, the detached design of the dwelling in combination with its location above and in relation to Station Road, would catch the eye. Moreover, given the proximity to the neighbouring property and any retained planted boundary treatment, it would appear cramped and at odds against the general built form and pattern of development in the surroundings, thereby diminishing the open and spacious character of the area.
12. My attention has been drawn to a detached dwelling within an infill corner plot at 2 Waverly Road. I observed that this property does project beyond the established building line towards Station Road. However, that site differs from the current proposal in a number of ways. It is sited adjacent a further

detached property of similar appearance and scale, as opposed to the semi-detached uniformity of The Crescent. The other site is also of a similar level to Station Road, as opposed to set above as is the case of the existing appeal site. Station Road is also appreciably more enclosed at the appeal site and lacks a full width pavement adjacent the site, thereby emphasising any development closer to the highway. Furthermore, I am informed that the cited dwelling predates the current policy context. This limits the equivalence of the other case to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.

13. Consequently, I conclude that the proposal would harm the character and appearance of the area and thereby would conflict with Policy CS12 of the North Somerset Core Strategy (January 2017) (CS), and policies DM32 and DM37 of the North Somerset Council Development Management Policies - Sites and Policies Plan Part 1 (July 2016) (PP). These policies seek, amongst other things, that the design and planning of development proposals should demonstrate sensitivity to the local character and their setting and enhance the area taking into consideration the existing context.

Highway safety

14. The Council have confirmed that information submitted during the appeal process has overcome their first reason for refusal. Whilst this may be the case, a number of interested parties have raised concerns in relation to highway safety, particularly given the proximity to a nearby school, bus stop and availability of parking.
15. The proposal would provide two parking spaces for both the host and proposed dwellings. As the access for the proposal would result in the existing drop kerb being extended by 5.0m, there would be the potential loss of one on-street parking space. I observed at my site visit during school drop-off time that a number of cars were parked along the Crescent, although parking space was still available.
16. Whilst I accept that this was a snapshot in time, and I acknowledge frequent complaints from the community in relation to on-street parking, I have no substantive evidence before me that the loss of a single on-street parking space would result in severe highway safety concerns. This is particularly given the parking provision provided within the host and proposed dwelling which, notwithstanding interested party comments in relation to bedroom numbers, the Council have confirmed accords with guidance for the size of dwellings, and I see no reason to disagree.
17. Furthermore, noting the modest vehicular movements created by a single dwelling and the slow speeds of vehicles I observed outside the appeal site, sufficient visibility splays have been demonstrated. Even taking into account any on-street parking, emerging vehicles would be able to see users of the adjacent footway, those pedestrians crossing The Crescent to access the bus stop, and vehicular users of the highway.
18. Consequently, the proposal would not have a harmful effect on highway safety. The proposal, in this regard, would accord with PP policies DM24, DM28 and DM37 which seek, amongst other things to ensure development provides appropriate parking standards and does not prejudice highway safety.

Other Matters

19. I acknowledge the appellant's comments about the Council's handling of the application. While I note the appellant's frustrations, this has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.

Planning Balance

20. The Council is currently unable to demonstrate a deliverable five-year supply of housing sites as required by the Framework. In these circumstances the Framework states that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
21. The proposal would achieve an incremental increase in housing supply in a location close to services and facilities in an area with an acknowledged lack of housing provision relatively quickly. Given the scale of the proposal for one dwelling, this is a moderate benefit. Furthermore, there would be limited short term economic benefits from the construction of the building and from the future occupation of the dwelling and associated spending in the locality.
22. I have found that the development would provide appropriate vehicular parking and not harm highway safety. Furthermore, the proposal would not result in harm to neighbouring occupiers living conditions. However, these are ordinary requirements for new development, and are therefore neutral factors in the planning balance.
23. The proposal would harm the character and appearance of the area, contrary to CS Policy CS12 and PP policies DM32 and DM37 and conflicts with the development plan as a whole. The Framework is clear that new development should add to the overall quality of an area. It highlights that development should be visually attractive and sympathetic to local character and surrounding built environment. The policies that the scheme conflicts with are broadly consistent with the Framework. As such, and due to the degree of harm I have identified, I give the conflict with these policies substantial weight.
24. While I have found the contribution to housing supply to be a moderate benefit alongside other limited benefits, I find in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

25. The proposal would conflict with the development plan, read as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

S Harrington

INSPECTOR