
Appeal Decision

Site visit made on 11 November 2024

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2025

Appeal Ref: APP/E3335/W/24/3344073

Land to the rear of 45-53 Halesleigh Road and to the north of Wembdon Road, Bridgwater, Somerset TA6 7DW

- 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 P&M Services Ltd against the decision of Somerset Council.
 - The application Ref 08/23/00335, dated 4 October 2023, was refused by notice dated 8 March 2024.
 - The development proposed is demolition of existing garaging and stores, erection of 7no. dwellings with the formation of access, turning and parking.
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Decision

1. The Appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published during the consideration of this appeal on 12 December 2024. The references in my decision to the Framework relate to this new document.
3. For reasons of precision and clarity, I have taken the description of development from the Council's decision notice.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development makes adequate provision for external space for future residents;
 - Whether the proposed development makes adequate provision for the collection of waste;
 - Whether the proposed development makes adequate provision for pedestrian access; and
 - The effect of the proposed development upon highway safety, in particular whether the proposed development makes adequate provision of visibility splays, and whether it would result in the intensification of the access with Wembdon Road.

Reasons

Character and appearance

5. The appeal site comprises a number of disused garages, along with a commercial workshop building, which at the time of my visit were in a poor state of repair. The majority of the appeal site is accessed via a lane, which also provides access to an existing funeral business, along with a number of storage units and a yard. The lane is also lined on its eastern side by a number of garages and parking areas that are within the rear gardens of properties on Provident Place. The remainder of the garages are accessed via a lane from Halesleigh Road.
6. The surrounding area comprises a mix of house types and styles. Immediately to the north and east are areas of traditional terraced housing, with the majority of the properties set within relatively narrow but long plots. The exception to this is to the north-east corner of the appeal site where there are a number of terraced properties on Halesleigh Road that have smaller plots in comparison to those around them. To the west, accessed from Halesleigh Road are two detached properties. Buildings along the access lane are a mix of design and styles but are predominantly functional in appearance. Along Wembdon Road, buildings are a mix of semi-detached and detached properties, set back from the road, and are more ornate in design and appearance. Overall, the character of the surrounding area is therefore defined by linear rows of terraced properties, with well-proportioned rear garden areas, along with detached dwellings, set within generous plots.
7. The appeal proposal would result in the erection of seven dwellings, each set within comparatively small plots, which would give less generous spacing between and around each dwelling. This would result in a cramped appearance, indicative of overdevelopment. As a result, the proposal would introduce a pattern of development which would be out of keeping and harmful to the character and appearance of the area.
8. I have been referred to instances where the existing terrace properties have smaller garden areas than those around them. However, these are positioned at the corner of Halesleigh Road and Provident Place where the plot sizes have been reduced to accommodate those on the adjoining street. Furthermore, these are not infill developments and are intrinsic to the nature of the overall pattern of development. I therefore do not consider that they provide any precedent for allowing the proposed development.
9. I note that planning permission was granted for the development of four dwellings in 2014. Whilst plots 1 to 5 of the proposed development would occupy a similar position to those granted, I find that through the provision of the additional dwellings, this would increase the amount of development on the site, reinforcing the cramped nature of the proposed development. In any event, I am required to consider the proposed development on its merits.
10. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect would be contrary to Policy D2 of the Sedgemoor Local Plan (SLP) and the Framework. Amongst other things, these policies seek to achieve high quality,

sustainable and inclusive design which responds positively to and reflects the local characteristics of the site and identity of the surrounding area, makes the most efficient use of land through appropriate densities, whilst recognising the need for positive treatment of the spaces around and between buildings.

Living conditions of future residents

11. The proposed development would provide each dwelling with a private rear garden area, with the amount provided differing between the proposed units. In terms of the Council's policy, Policies D2 and D25 of the SLP requires new development to deliver buildings that are enjoyable to use, with Policy D25 identifying that particular consideration should be given to the extent proposals could result in unacceptable impacts, including upon the living conditions of future occupants. Neither of the policies detail any minimum external space that should be provided in new developments. Therefore, in this instance, whilst the amount of external space provided is less than surrounding development, I do not find the amount to be so small as to prevent the enjoyable use of the space.
12. Plots One to Five would, as a result of their position within the site, have north facing gardens. Whilst this is not ideal, given the nature of the site, I do not consider that this, on its own, provides sufficient reason to withhold planning permission.
13. For the above reasons, I therefore conclude that the proposed development makes sufficient provision for external space to meet the needs of future residents and, in this respect would accord with Policies D2 and D25 of the SLP and the Framework.

Disposal of waste

14. Given the narrow width of the lane, along with the presence and nature of the existing business and the residential garages, I consider that there is insufficient detail before me to conclude that suitable arrangements can be made for the collection of waste from within the site. Whilst I accept that adequate provision can be made for the storage of bins associated with each dwelling, without the necessary details I am unable to conclude that the proposed development can adequately be accessed by the requisite refuse vehicle.
15. The appellant has suggested that one solution could be for future residents to place their bins at the side of the main proposed pedestrian access near to where it joins Halesleigh Road on collection days. Another solution would be for the use of private collection arrangements using smaller vehicles. In terms of the first option, whilst I recognise that such requirements would only take place once a week, I consider the distance that residents would be required to move their bins to be excessive and I note that it would be in excess of that suggested in the Somerset Waste Partnership Guidance Note for Developers (SWP) and is not supported by the Waste Authority. In terms of the second option, no details of how these arrangements would work has been provided. Nor has it been adequately demonstrated that access and egress by a smaller refuse vehicle, ensuring sufficient safe working space for operatives exists within the site. On this basis, I do not consider the appellant's alternative solutions to be acceptable.

16. The appellant has suggested that the matter can be appropriately dealt with via a planning condition and suggested a form of words for such a condition. However given my conclusions above, I do not find that, in this instance, a planning condition would be suitable, especially given that on the evidence, there currently appears to be no viable, deliverable solution.
17. I therefore conclude that the proposed development fails to demonstrate that it would be adequately served by suitable waste collection and, in this respect, would be contrary to Policy D2 of the SLP, the SWP and the Framework.

Pedestrian access

18. Whilst there would be some pedestrian movements generated from the existing garages, to my mind the proposed development has the potential to generate significantly more. These could be movements such as children walking to school or residents walking to access local services and facilities. Whilst the proposed access to Halesleigh Road would provide a potentially safer alternative route, this would involve a greater distance to access services on Wembdon Road, in particular public transport routes. As a result, I consider that the proposed development would generate additional pedestrian movements along the existing lane towards Wembdon Road.
19. Considering the nature of the existing access, and its relationship with other uses, along with its restricted width, I consider it to represent a route which is not suitable for increased pedestrian activity and would create an unsafe pedestrian environment, especially for vulnerable users such as children or people with disabilities. Whilst the access may not currently generate significant amounts of vehicular traffic, I find that the inadequacy of the route has the potential to result in unacceptable conflicts between pedestrians and vehicles, either accessing the proposed development or the other uses along the lane. Neither, due to its constrained nature and that of the competing uses, along with the level of activity that would be generated from the proposed development, do I find it to be suitable as a shared space.
20. For the above reasons, I conclude that the proposed development would result in an increase in pedestrian activity along the existing, unsuitable lane and, in this respect would conflict with Policy D14 of the SLP and the Framework. Amongst other things, these policies seek to ensure that provision is made for inclusive, safe and convenient access for pedestrians, people with disabilities and cyclists.

Highway safety

21. The existing lane provides access for a number of uses including a Funeral Directors, storage buildings, along with garages at the rear of properties on Provident Place and those on the appeal site. Along its length it has no kerbed footways or service margins, although a lined 'virtual' footway to aide pedestrian movements beside the undertakers has been created. The access is approximately 5m wide and then narrows further beyond the undertakers.
22. The existing garages on the site are currently unused, with a number being in a poor state of repair. Vehicular access is also restricted. The Appellant submits that the existing garages on the site would generate more vehicular traffic than the proposed development. To support this, evidence is submitted from a

- survey of a similar site, in Haringey, undertaken in 2013 to demonstrate the level of traffic that the existing garages and workshop would generate.
23. Putting aside the location and the age of the survey, of the 26 existing garages on the site, only 18, along with the workshop, currently access the site via Wembdon Road. Therefore, based on the appellant's calculations, the access via Wembdon Road would generate 31 two-way vehicular trips on a week-day, not the 44 as suggested. This compares to the 37 two-way vehicular trips on a week-day which the appellant submits would be generated by the proposed development.
24. On that basis, I do not agree with the appellant's position that the proposed development would generate less traffic than the existing development on the site.
25. I have been referred to a planning permission that was granted in 2014 for the development of 4 units on the appeal site. Whilst I note that the highway authority at the time considered that the principle of development was acceptable, I have been provided with no evidence to demonstrate what the particular circumstances were of the case and why they came to that view. As a result, along with the fact that this permission has now lapsed, I have attributed it little weight in my consideration of this issue. In any event, I am required to consider the appeal on its merits.
26. From the evidence before me, the Highway Authority considers that the proposal should make provision for visibility splays of 2.4m x 48m, as set out in the Manual for Streets (MfS). This requirement is based on the recorded traffic speeds on Wembdon Road. No details of the available visibility splays, or evidence that such splays can be provided has been submitted with the appeal proposal. As such, I am unable to conclude that the proposed development would be able to meet these requirements. On the face of it therefore, the proposal fails to provide adequate visibility splays to meet the required standards.
27. I acknowledge that the existing access is currently in use and serves a number of uses including a funeral business, and the existing residential garages, including those on the appeal site. However, as I have concluded that the proposed development would result in the generation of additional traffic, and taking a precautionary approach, due to the failure to demonstrate the provision of the required visibility splays, I consider that the proposed development would have an unacceptable impact on highway safety.
28. On the basis of the above, I therefore conclude that the proposed development would result in an intensification of use of the existing access and fail to provide the necessary visibility splays and, in this respect, would be contrary to Policy D14 of the SLP and the Framework. Amongst other things, these seek to ensure that proposals provide safe access to roads of adequate standard within the route hierarchy and that any additional traffic resulting from new development does not compromise the safe and efficient operation of the strategic road network.

Planning balance and conclusion

29. On the one hand the proposed development would ensure the provision of new dwellings, on a brownfield site, within the settlement boundary, in a highly

accessible location. The proposed development also has the potential to deliver economic benefits, both through the provision of additional homes, but also from construction jobs associated with the development. These benefits weigh in favour of the proposed development, but given the overall scale of the contribution, these benefits attract moderate weight in favour of the proposed development.

30. I note that the Council raise no other issues in relation to biodiversity, impact on neighbouring occupiers, arboricultural effects, flooding or drainage issues. I have also concluded that the proposed development would make adequate provision for external space to meet the needs of future residents. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.
31. On the other side of the balance, I have found that the proposed development would harm the character and appearance of the area. I have also found that the proposal would have an unacceptable effect upon highway safety and fails to make adequate provision for pedestrian access or the disposal of waste. Given this conflict with the development plan, these attract substantial weight against the proposed development.
32. Taking all these matters into account, whilst I recognise the benefits that the proposed development would deliver, I do not consider these to be a sufficient level to outweigh the harm I have found.
33. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR