



Appeal Decision

Site visit made on 11 February 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/E3335/D/24/3349611

139A Galmington Road, Taunton, Somerset TA1 5DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Watson against the decision of Somerset Council.
 - The application Ref is 38/24/0085.
 - The development proposed is off street parking with dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

3. The appeal property is located on Galmington Road, a busy Class 3 road with parking restrictions. This appeal relates to the formation of a parking area in the front garden of the property.
4. The proposal does not incorporate a turning area to enable vehicles to manoeuvre on site and leave in forward gear. This would result in reversing manoeuvres being carried out onto or within the highway.
5. Vehicles entering or leaving the site would need to cross the footway to the front of the property which has segregated pedestrian and cycle provision. This would be in close proximity to the signal-controlled pedestrian crossing. It would also be opposite a formalised parking space in the carriageway, where vehicles approaching from the east need to manoeuvre into the on-coming carriage to avoid parked vehicles.
6. In this environment, the manoeuvres required to access and exit the parking space would create an additional hazard to all users of the highway and interfere with the free flow of traffic.
7. A number of other properties have parking to the front. Whilst I do not have the full details of these before me to make detailed comparisons, my attention has not been drawn to any comparable situations where the circumstances set out in Paragraph 5 also occur and were found to be acceptable by the Council. A lack of recorded personal injury accidents is not an indication that the proposed access and parking arrangements would be safe.

8. I conclude that the proposal would increase the risk of conflict between road users and as such would be harmful to highway safety. It would therefore conflict with Policy DM1 of the Taunton Deane Borough Council Adopted Core Strategy 2011-2028 (LP) which requires that development does not lead to road safety problems. Dismissing the appeal would also accord with Paragraph 116 of the National Planning Policy Framework which states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety. Policy A1 of the LP which requires new developments to make provision for car parking is not relevant to the proposal before me.

Other Considerations

9. Paragraph 117 of the Framework requires that applications for development address the needs of people with disabilities. It is understood that the appellants require parking for a wheelchair accessible vehicle although I have no specific details before me. I also do not have any details before me to indicate that the appeal proposal is the only available option. I saw that there was a designated disabled parking space on the highway opposite the appeal site and that other areas of grass verge had been replaced by block pavements to allow on-street parking. For this reason, I have only assigned moderate weight to the appellants' need for accessible parking as a consideration in favour of the grant of planning permission.

Planning Balance and Conclusion

10. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires me to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. These characteristics include disability.
11. I acknowledge that the proposals seek to provide parking for a wheelchair accessible vehicle for use by those with a protected characteristic and there are very limited options for parking in the vicinity of the appeal site. I have given this moderate weight.
12. However, I have found that the appeal proposal would be harmful to highway safety and I give this significant weight. The harm I have identified could not be overcome by conditions. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring the safety of all users of the highway. Therefore, whilst I acknowledge the benefits that the facility could provide to those with protected characteristics, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in terms of highway safety.
13. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish INSPECTOR