



Appeal Decision

Site visit made on 7 February 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2025

Appeal Ref: APP/D0121/W/24/3355645

22 Station Road, Backwell, North Somerset BS48 3NH

- 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 Mrs K Simon against the decision of North Somerset Council.
 - The application Ref is 24/P/1790/FUL.
 - The development proposed is the construction of 2-storey, 4-bedroom dwelling and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans have been submitted with the appeal. These reposition the proposed house, refuse, and recycle storage and enlarge the proposed garage and driveway. The appeal process should not be used to evolve a scheme and this is, cumulatively, a significant difference and fundamental change to the proposal. In addition, to consider the amended plans would deprive those who should have been consulted on the change, the opportunity of such consultation. As such, I will consider the proposal on the basis of the scheme refused by the Council.
3. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). The Council and the appellant have had opportunity to comment on this and I have taken into account any representations received.

Main Issues

4. The main issues in this case are:
 - the effect of the development on highway safety; and
 - the effect of the development on the character and appearance of the surrounding area.

Reasons

Highway safety

5. The appellant does not dispute that the proposed integral garage does not meet required size standards to qualify as a parking space, as set out in the Supplementary Planning Document 'Parking Standards' (2021) (SPD). Without the garage, there would be insufficient space to accommodate the 3 off street parking spaces required by the SPD.

6. There is no evidence before me to set out why a lower level of parking would be appropriate in this location. The appeal site would be accessed off Westhaven Close, a private cul de sac. Given the narrow nature of the cul de sac and lack of parking opportunities on Station Road, any on street parking would compromise access for other users and would increase the potential for conflict between pedestrians and cars.
7. The access to the dwelling would be located at the end of Westhaven Close, in close proximity to a detached garage. As such, I observed that there is no room within the lane for the turning around of vehicles exiting or entering the proposed dwelling. Given the required parking spaces, turning a car around within the site would be difficult. This would mean that safe access and egress in a forward gear would not be possible. This would again lead to difficult manoeuvres within the narrow lane and an increase the potential for conflict between pedestrians and cars, particularly at the junction with Station Road.
8. Accordingly, the proposal would have a harmful effect on highway safety. There is therefore conflict with Policy CS11 of the North Somerset Core Strategy (CS) and Policy DM28 of the North Somerset Sites and Policies Plan (Part 1) (SPP), which require new development to create safe and accessible places.

Character and appearance

9. The host dwelling faces Station Road. This road and its surroundings are characterised by detached and semi-detached dwellings of varying scale. These single storey or two storey dwellings are set in plots of varying size, with some lengthy rear garden on this side of Station Road and some smaller gardens opposite, in addition to along Westhaven Close. There is therefore a lack of uniformity in this respect, although there is a consistent sense of spaciousness derived from a set back from the highway and gaps between buildings.
10. As set out above, the appeal site would be accessed off and face Westhaven Close. Whilst sat behind No 22 Station Road, it would appear as part of Westhaven Close, in the same way that other dwellings on this cul de sac sit behind properties on Meadow Close. As such, the dwelling would sit comfortably as part of the cul de sac and would not appear out of keeping with the surrounding built form in this respect.
11. The proposed two storey dwelling would be of a scale that is commensurate with neighbouring dwellings along Westhaven Close. Whilst it would sit in a smaller garden than the immediate neighbours on Station Road, the proposed garden, in addition to the remaining garden to No 22, would not be smaller than the gardens of other nearby properties. As such neither would appear cramped, and an appropriate set back from the highway and retention of significant distances between buildings would retain the general sense of spaciousness.
12. The proposal would not therefore harm the character and appearance of the surrounding area. There is no conflict with SPP Policy DM32 and CS Policy CS12 which, amongst other matters, seek to ensure that proposals achieve high quality design and demonstrate sensitivity to the local character.

Other Matters

13. The appeal site is located within bat consultation zone 'B' (BCZ), as set out in the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development: Supplementary Planning Document (2018) (SPD). The North Somerset and Mendip Bats Special Area of Conservation (SAC), one of four sites in North Somerset, is designated because of its importance for Greater and Lesser Horseshoe Bats. These are protected as European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 ('the Regulations'). Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site.
14. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further because it could not lead me to a different decision.

Planning balance and conclusion

15. There would be minor temporary economic benefit during construction and once complete, an on-going benefit to the economy through spend by residents in the local economy and the support to local services, facilities and related employment. The addition of 1 unit would make a minor difference to the overall supply of housing, even with the current shortfall in housing land supply.
16. The Framework seeks to ensure that development avoid unacceptable impact highway safety and states that proposals should minimise the scope for conflicts between pedestrians, cyclists and vehicles. As such the conflict with CS Policy CS11 and SPP Policy DM28 should be given moderate weight in this appeal. Given the conflict identified above, the development would conflict with the development plan as a whole.
17. It is not disputed that the Council is falling significantly short of the required housing land supply, set out by the appellant at 3.88 years. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
18. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. The Framework also supports the efficient use of land. Whilst the scale of the shortfall identified is considerable, given the size of the proposal, all these matters attract minor weight in favour of the scheme.
19. The economic and social benefits from the build and occupation of the dwelling as well as support for local services, facilities and the community would each be minor given the size of the development, and their weight in favour of the scheme is also minor.
20. The submitted application form indicates that the dwelling would be a self build. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that an authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period.

21. There is no mechanism before me to secure to proposal as self build, and in any case, there is no evidence before me that the Council is failing in its statutory duty to meet the demand for self-build and custom housebuilding. As such, in addition to the limited quantum of development in this case, I give this matter minor weight in favour of the proposal.
22. The Framework requires that applications for development should minimise the scope for conflicts between pedestrians, cyclists and vehicles. I give moderate weight to this matter.
23. Consequently, the adverse impacts set out above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
24. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed and planning permission is refused.

B Phillips

INSPECTOR