



Appeal Decision

Site visit made on 25 March 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/D0121/W/25/3358784

21 Walnut Close, Nailsea, North Somerset BS48 4YH

- 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 Don Wilbourne against the decision of North Somerset Council.
 - The application Ref is 24/P//0697/FUH.
 - The development proposed is the erection of new double garage in rear garden, for ample around vehicle space for wheelchair access vehicle, with some storage space, and alteration to existing patio (which was the concrete base to the original prefab garage) to create off road hard standing for vehicle. Reduction in height of walls either side to create visibility splay for safety for driver and pedestrians when crossing existing pavement to hardstanding, or road accordingly. The hardstanding is sufficient in size to site the vehicle while entering or exiting the vehicle so as not to cause any obstruction to the pavement at those moment.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the safety of pedestrians, cyclists and drivers using Walnut Close and the pathways linked to it.

Reasons

3. The siting and size of the proposed garage and the associated parking space would result in vehicles having to reverse either into or out of the site. This would involve crossing the pavements located parallel to the boundary of the appeal site and alongside the end of the cul-de-sac.
4. To facilitate the access, part of the existing brick side boundary wall would be removed and a section of the rear wall would be reduced in height. Nonetheless, the latter would be taller than the recommended maximum height of obstructions within the visibility splay required by the Manual for Streets (MfS). In addition, although modifications are proposed to the side boundary wall, these would not provide the 2 metres by 2 metre visibility splays stipulated in the Council's Highways Development Design Guide¹.
5. Therefore, should pedestrians or cyclists be on the pavement or pathways closest to the site when vehicles exit the proposed driveway, in forward or reverse gear, they may not be seen by the driver, and vice versa, in sufficient time to take any necessary actions to prevent a collision. This would be particularly the case for

¹ Accessed online at [Highways Development Design Guide July 2020](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431212/Highways_Development_Design_Guide_July_2020.pdf) 8 April 2025

those travelling away from Walnut Close and connecting with the wider network of pathways that link neighbouring residential roads and nearby bus services.

6. Notwithstanding the appellant's willingness to reduce the height of the brick boundary walls to conform with the MfS maximum height, it is unclear if this would also apply to the section of the side boundary wall within the visibility splay. However, this is not the scheme before me nor the proposal considered by the Council and consulted upon as part of the planning application.
7. It has been indicated that the grassy area at the end of Walnut Close is within the Council's ownership and the Council's Estates Team have provided support for the proposal. Such a circumstance has not, however, been substantiated. Therefore, even if I were to impose a condition on the grant of planning permission to secure the required visibility splays and alterations to the existing grassy verge, there is a high level of uncertainty that these works would and could be implemented.
8. The presence of other properties in the area with two access points does not justify the approval of development which would result in harm to pedestrian, cyclist and driver safety. Nor does the fact that a garage was located in a similar position of the site previously as it was not accessible by a vehicle.
9. I conclude that the proposal would cause significant harm to the safety of pedestrians, cyclists and drivers using Walnut Close and the pathways linked to it. It would be contrary to Policy DM24 of the SPPP¹² which, amongst other provisions, supports development provided it would not prejudice highway safety.

Other Matters

10. The proposal would provide some social and economic benefits from its construction and occupiers of 20 Walnut Close would benefit from a widened area of dropped kerb for access onto their driveway. No particular environmental benefits have been indicated. Nonetheless, given the scale of the proposal, these benefits would be small.
11. The Council is not bound by the advice given at pre-application stage. In addition, the behaviour of the Council during the determination of the planning application and the capabilities of the Council's approved architects are not matters for this decision, however frustrating to the appellant.
12. Within my decision, I have taken into account that age and disability are relevant protected characteristics for the purposes of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 (the PSED). The proposal would enable the belongings currently stored in the dwelling's existing garage to be relocated. Were I to allow this appeal, the appellant has indicated that they would convert the existing garage into wheelchair accessible living accommodation for a member of their family. This would result in significant benefits to the appellant's family member and the other occupants of the host dwelling, thereby contributing to the PSED's aim of advancing equality of opportunity, including the need to remove or minimise disadvantages.
13. Nevertheless, planning is concerned, in general, with land use in the public interest rather than the protection of purely private interests³. Indirect public benefits may

² Development Management Policies: Sites and Policies Plan Part 1 (SPPP1)

³ Paragraph: 008 Reference ID: 21b-008-20140306

result from the proposal should it prevent the appellant's family member from requiring state social and housing care. Nonetheless, as the conversion of the existing garage does not form part of the proposal before me there is no guarantee it will be undertaken. Furthermore, it has not been demonstrated that the proposal is the only option available for the appellant to achieve their desired aims. As such, I attach modest weight to these circumstances.

Conclusion

14. Having had due regard to the PSED and all other relevant matters raised, the significant harm I have identified above outweighs the benefits of the proposal in terms of eliminating discrimination against persons with the protected characteristics of age and disability, advancing equality of opportunity for those persons and fostering good relations between them and others. Other benefits derived from the scheme would be modest. Consequently, it is proportionate and necessary to determine the appeal in accordance with the development plan as a whole and to dismiss the appeal.

Juliet Rogers

INSPECTOR