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## Appeal Decision

Site visit made on 30 October 2017

by **Thomas Shields MA DipURP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7<sup>th</sup> November 2017

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### Appeal Ref: APP/R3325/D/17/3172292

#### 165 Larkhill Road, Yeovil, BA21 3HW

- 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 Mr Aaron Purnell against the decision of South Somerset District Council.
  - The application Ref 16/04868/FUL, dated 30 September 2016, was refused by notice dated 5 January 2017.
  - The development proposed is to construct off road parking/driveway for 1 vehicle replacing the existing front garden. Including in this would be a requirement to drop a curb to allow access.
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#### Decision

1. The appeal is dismissed.

#### Reasons

2. The main issue is the effect of the development on highway safety.
3. No. 165 Larkhill Road is a detached dwellinghouse located within a primarily residential area on the western side of the road. Its front garden measures approximately 10.5m x 6.5m with its length running parallel to the highway. Immediately adjacent No. 165 on the same side and to the south are the vehicular accesses to the Public House (PH) car park and the Foxes Rest housing development, and beyond that the vehicular access to the church car park with residential properties further south. To the north of No. 165, on the same side of the road, are three more houses before the junction of Larkhill Road with Monks Dale. Slightly to the north of No. 165 on the eastern side of the road is the junction of Larkhill Road with Stiby Road, then residential properties further south, a bus stop, and a parking layby beyond.
4. Parking on the highway outside no. 165 is prohibited by double yellow lines. Also, immediately to the north of No. 165 and in front of the PH car park, is a traffic calming feature consisting of a verge build-out which reduces the vehicular carriageway to a single width. Give way markings on the eastern side of the carriageway give priority to vehicles travelling north.
5. No. 165 has two existing parking spaces; a single space in front of a single garage located in a block to the rear of the house. There is no direct access from the parking space/garage to the rear of the house and I agree that this parking provision has limited practical use, particularly in the context of managing children into and out of the car as described by the appellant.

6. However, in order to allow a vehicle to enter and leave the appeal site in a forward gear, such that there would be no significant increase in risk to highway safety, the minimum standards set by the Highway Authority require a minimum turning area of 14.6m x 7.3m. The area proposed by the appellant (8.5m x 6.5m) falls short of these minimum requirements, substantially so with regard to depth. Consequently, some extensive forward and reverse 'shuffling' of the vehicle would be required in order to enter and leave the site in a forward gear.
7. I accept that the appellant could improve visibility by removing some of the fencing separating his property from the PH car park. Also, that he would be willing to carry out such 'shuffling' as I have described. However, there is no way of ensuring that parking would always be carried out in that manner, particularly so in respect of any future owners/occupiers of the property. As such, I consider there is a strong likelihood that in the longer term vehicles would reverse either into or out of the access. That would result in an increased risk to highway safety for the following reasons.
8. Reversing out of the site would be inherently dangerous, even with existing fencing removed. That is because of the close proximity of the proposed access to the Stiby Road junction, to the PH access, and to the priority traffic system, coupled with with the need to maintain driver visibility in each direction of vehicle, cyclist and pedestrian movements using all of those features. Alternatively, reversing into the site would require a vehicle approaching from the south to show a left-turn indicator while exiting the priority narrowed carriageway, before then reversing back into the access. Any following drivers through the priority system would not expect such a manoeuvre and to have to stop, and at busy times would not be able to pass the stationary vehicle if there is south-bound traffic waiting at the give way.
9. A vehicle approaching the site access from the north would have to drive up towards the priority system build-out/give way before stopping and then reversing back into the site access; either directly from the eastern side of the road, or from a temporarily parked position outside the appeal site on the western side of the road. However, using a right turn signal during such manoeuvres would be interpreted by both following drivers, and opposing drivers, as an intention to continue through the narrowed carriageway. Using no signal would leave other drivers with no indication as to what was intended.
10. In any of the above scenarios there would be unexpected vehicle movements and resulting confusion to other motorists, cyclists and pedestrians. As such, I find that the proposed development would result in an unacceptable increase in risk to highway safety.
11. The appellant has referred to other properties with permitted accesses and off road parking on Larkhill Road which I was able to see at the time of my visit to the appeal site and the surrounding area. However, they are not directly comparable to the specific detailed layout and relationship to the highway as is the case in this appeal. Moreover the use of the proposed access, rather than being of neutral effect, would add further complexity to the various existing road layout factors which need to be considered by road users. These other properties do not therefore lead me to reach a different conclusion.

12. I have also taken account of all other arguments raised by the appellant in support of the appeal, but they do not overcome my concerns with regard to the significant increase in risk to highway safety I have identified.

**Conclusion**

13. For all the above reasons I conclude that the proposed development would adversely and unacceptably affect highway safety. It would thereby conflict with Policy TA5 of the South Somerset Local Plan (2015) which, amongst other objectives, seeks to ensure that all new development secures inclusive, safe and convenient access on foot, cycle, and by public and private transport.

14. The appeal is dismissed.

*Thomas Shields*

INSPECTOR