



## Appeal Decision

Site visit made on 16 August 2018

by **M Allen BSc (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 September 2018

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**Appeal Ref: APP/R3325/W/18/3199334**

**52 Ash Walk, Henstridge, Somerset BA8 0QA**

- 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 P. Kellaway-Moore against the decision of South Somerset District Council.
  - The application Ref 17/02712/FUL, dated 14 June 2017, was refused by notice dated 15 February 2018.
  - The development proposed is the erection of three dwellings.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of three dwellings at 52 Ash Walk, Henstridge, Somerset BA8 0QA in accordance with the terms of the application, Ref 17/02712/FUL, dated 14 June 2017, subject to the conditions set out in the attached Schedule.

### Costs

2. An application for costs was made by Mr P. Kellaway-Moore against South Somerset District Council. This application is the subject of a separate Decision.

### Procedural matter

3. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). Comments were sought from the Council and the Appellant, with the Appellant providing comments. I have had regard to these comments and the Council has confirmed that its position has not changed as a result of the revised Framework. As the main parties have had the opportunity to provide comments no injustice has been caused. I have considered the appeal on the basis of the revised Framework.

### Main Issues

4. The main issues raised are:
  - i. The effect of the development on highway safety, with particular regard to the A30,
  - ii. Whether sufficient provision is made for inclusive access, having regard to travel by foot, cycle and public transport; and
  - iii. Whether the location is suitable for new housing.

## Reasons

### *Highway Safety*

5. Vehicular access to the site would be gained directly from the A30 road and a parking and turning area would be provided. There would be an area of landscaping within the site adjacent to the access which the Council considers would encourage drivers leaving the site to take a position more centrally within the access point. As such, it is argued that this would compromise the ability for two vehicles to pass each other, leading to the possibility of vehicles having to wait on the A30 whilst vehicles leave the site. However, appropriate landscaping of this area would ensure the edge of the access does not act a feature that would encourage drivers to drift towards the centre of the access. I therefore consider it unlikely that the presence of this landscaped area would result in vehicles tending to block the access point.
6. A speed survey has been undertaken which has informed the provision of visibility splays at the point of access. Concern has been expressed that this survey has not been undertaken at the appropriate time of year and that the results may be unreliable. There is also concern in respect of the proximity of the proposed access to the brow of the hill which vehicles travel over when approaching the site. However whilst I note the guidance in respect of the timing of speed surveys, no evidence has been submitted to show that the results of the survey are defective. Consequently, I consider that the results can be relied upon and that adequate visibility can be achieved, even when taking into account the presence of the brow of the hill.
7. Within the site a parking area would be provided to cater for resident parking and a single visitor space. There is also space within the site for the manoeuvring of vehicles, allowing vehicles to turn and enter and exit the site in a forward gear. Given this provision, together with the proximity to the traffic signal controlled junction, I consider it to be unlikely that the scheme would encourage on-street parking. Whilst there is the potential for queuing along the frontage of the site, this potential could be satisfactorily reduced through the use of "Keep Clear" markings on the highway, as recommended by the Council.
8. Further concern has been raised in respect of the proximity of the proposed access to the traffic signal controlled junction. This particularly relates to the location of the access within the area monitored by the sensors controlling the traffic signals and the effect on the high-friction surfacing. However I noted at the time of my site visit that there were existing access points which also were located within the area monitored by the sensors and served by high-friction surfacing. These which provide access to commercial properties would be likely to generate a larger number of traffic movements. Furthermore, there is no history of traffic accidents as a result of these access points. Given the scale of the scheme and the likely traffic movements associated with it, it is unlikely that there would be any material effect on highway safety in regard to these features.
9. Concern has been raised in respect of the possibility of delivery vehicles parking across the frontage of the site. However, I consider that the frequency of any such occurrence would be low. Also, the parking of delivery vehicles on the highway would also be taking place in association with existing properties in the area and there is no evidence that this currently results in any significant danger to road users. Furthermore given the high volume of traffic currently

travelling along the A30 at this location, I find that the presence of the new vehicular access opposite a short length of the road without pedestrian facilities would not present any greater risk to pedestrians. Additionally, whilst there are existing vehicular accesses in the vicinity of the site, there is no substantive evidence that the proposal would result in conflict with these.

10. As a result, I conclude that the scheme would not have an adverse impact on highway safety, particularly the A30, and therefore complies with the safety aims of policy TA5 of the South Somerset Local Plan.

#### *Inclusive access*

11. The scheme shows that a 1.8m footway would remain to the frontage of the site linking to footways within the immediate area. At the time of my site visit I noted that there was good pedestrian provision within the vicinity of the site. Existing footways provide access to facilities within the area together with the provision of signal controlled pedestrian crossing points providing access to bus stops on both sides of the A30. An access way is shown to the rear of the properties to a width of 1.5m. Given that this will be a private access to the rear garden areas and not public, I find that this provides sufficient access to these areas. Paths leading to the footway also provide pedestrian access to and from the dwellings. Furthermore, based on what I have observed, I see no reason to conclude that it would not be possible to access services by cycle from the proposed development.
12. Therefore, I conclude that the scheme would have sufficient provision for inclusive access in accordance with the accessibility for all aims of policy TA5 of the South Somerset Local Plan.

#### *Suitability of location*

13. Policy SS2 limits development in rural settlements to that which, amongst other things, meets identified housing need, particularly for affordable housing. Furthermore proposals should have access to two or more key services and should generally have the support of the local community. The parties agree that the Council cannot currently demonstrate a 5 year housing land supply and this tempers the weight that can be attached to its housing policies. Whilst no information has been provided in respect of a housing need within the settlement of Henstridge, the proposed development would make a contribution, albeit small, to the wider supply of housing within the area.
14. Whilst there may be some opposition to the development within the local community, I have identified above that the scheme would have no adverse effect on highway safety and would have adequate provision for inclusive access. Therefore, whilst not fully in accordance with Policy SS2 of the South Somerset Local Plan in terms of local support for the scheme, I conclude that the benefits of the scheme in terms of the contribution towards the supply of housing would be sufficient to outweigh this.

#### **Other matters**

15. Interested parties have raised concern over the proximity of the proposed scheme to existing dwellings on the opposite side of the A30. However sufficient separation exists to ensure that there would be no significant loss of light or overshadowing. Additionally, the design of the dwellings has been stated as being inappropriate by an interested party. The Council has raised no

objection to the design of the dwellings. I consider that the dwellings would be appropriately designed and would be acceptable within the streetscene.

### **Conditions**

16. I have imposed conditions in relation to the commencement of development and in the interests of clarity a condition to ensure compliance with the submitted plans. Conditions are also required to protect the visibility splays and retain the parking and turning area as well as requiring the construction of the access and "Keep Clear" markings on the highway, in the interests of highway safety. Also in the interest of highway safety, I have imposed a condition requiring a Construction Method Statement. In order to ensure a satisfactory appearance to the development conditions are also required in respect of landscaping and external materials. A condition is recommended in respect of obscure glazing and this is required in respect of the western elevation and rear en suite but not to the eastern elevation in light of separation between the development and neighbouring properties.
17. Conditions removing permitted development rights for windows, extensions, outbuildings and fences have been recommended but no justification provided and I do not consider there to be exceptional circumstances justifying these conditions. I consider it unlikely that gates would be installed to the access and no gates are shown on the submitted plans, so a condition in this respect is unnecessary. Further recommended conditions in respect of detailed design elements of the scheme are not considered to be necessary as there is no evidence before me to suggest that the proposed development would have any significant adverse impact on the visual amenity of the area.

### **Conclusion**

18. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should succeed.

*Martin Allen*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers AH/6A, AH/5, SK02 Rev B and SK03 Rev B.

- 3) Prior to any housing construction works taking place samples of all external facing materials to be used in the development shall have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) Before any of the dwellings hereby permitted are first occupied, the "Keep Clear" markings as shown on Drawing Number SK02 Rev B shall be installed in accordance with details that have been submitted to and approved by the local planning authority in writing.
- 6) No dwelling shall be occupied until the access, for a minimum distance of 5 metres from the edge of the carriageway, has been constructed and surfaced in accordance with details that have been submitted to and approved by the local planning authority in writing.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing no. SK02 Rev B for 7 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 8) No structure or erection exceeding 0.9 metres in height shall be placed within the sightlines as shown on Drawing no. SK02 Rev B and such visibility shall be fully provided prior to the development hereby permitted being first occupied and shall, thereafter be maintained at all times.
- 9) No dwelling shall be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons

following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) The westernmost dwelling hereby permitted shall not be occupied until the window at first floor level on the west elevation and the window serving the en suite bathroom have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.