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## Appeal Decision

Site visit made on 27 October 2015

by **H Baugh-Jones BA(Hons) DipLA MA CMLI**

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

Decision date: 10 December 2015

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**Appeal Ref: APP/R3325/W/15/3049290**  
**94-98 Sherborne Road, Yeovil, Somerset**

- 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 Garry Britton against the decision of South Somerset District Council.
  - The application Ref 15/00672/FUL, dated 10 February 2015, was refused by notice dated 1 April 2015.
  - The development proposed is 2 new 3 bedroom dwellings with associated parking.
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### Decision

1. The appeal is dismissed.

### Main Issue

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

### Reasons

3. Sherborne Road is part of the A30, which is a main arterial route into and out of Yeovil. The appeal site is located near to the centre of town and fronts directly onto the highway but sits at a higher level behind a stone retaining wall. This is reflective of many other residential plots along the southern side of Sherborne Road. Whilst the road is mainly residential, there are also a few commercial premises.
  4. A previous planning permission (now lapsed) granted consent for the erection of two dwellings on the site but utilising an existing adjacent access known as Hillside Terrace. This is a narrow road that borders the north eastern site boundary and leads to an area of residential development to the south east.
  5. The current proposal comprises the erection of two dwellings but would have frontage parking accessed directly from Sherborne Road. The proposed parking area, which would provide four spaces, now includes a vehicle turning area within the site. In combination with a number of other amendments to the scheme, this appears to be an attempt to overcome the issues that led to the dismissal at appeal of a previous incarnation of the scheme (ref APP/R3325/A/14/2223035).
  6. The South Somerset Local Plan 2006-2028 (LP) was adopted in March 2015. Policy TA5 sets out the requirements for new development, which amongst other things, seeks to ensure that new development does not give rise to
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detrimental effects on the safety of the local road network. Paragraph 32 of the National Planning Policy Framework (the Framework) sets out that development should only be refused on transport grounds where the residual or cumulative impacts of development are severe.

7. During my site visit (which was late morning), I noted that Sherborne Road is heavily trafficked and saw nothing to suggest that vehicle speeds were lower than the 30mph speed limit and no evidence has been provided to the contrary. This leads me to the conclusion that the increased number of vehicle movements likely to result from the occupation of the two new dwellings has the potential to compromise highway safety should it fail to provide for adequate visibility. This is particularly important given the bend in the road a short distance to the east.
8. The Council points out that Manual for Streets (2007) (MfS) provides technical advice on stopping sight distances and visibility requirements. In 30mph zones such as Sherborne Road, MfS suggests that a stopping site distance of approximately 40m, or 43m when adjusted for bonnet length is appropriate. The stopping sight distance also determines the length of visibility splays in both directions, the 'Y' distance, which in this case is 43m. The advice in MfS is reflected in the Council's Highways Standing Advice (2013) (SA).
9. In most built up situations, the visibility splay should be measured 2.4m back from the carriageway, the 'X' distance. This represents a reasonable maximum distance between the front of the car and the driver's eye. The 'X' distance can be reduced to 2m in very lightly trafficked and low speed areas. Furthermore MfS 2 (2010) states that the 'Y' distance can be extended to the vehicle track line.
10. I accept that the proposed arrangement would provide better access by way of improved visibility than it would were access to be to and from Hillside Terrace. However, it is accepted by the appellant that a visibility splay of only 31m could be achieved based on the vehicle track line. Consequently, this would fall 12m short of the necessary 'Y' distance. Whilst the width of the road is such that the off-side of four-wheeled vehicles would be visible, cyclists and those using powered two-wheelers would be likely to be riding nearer to the kerb. Therefore the breach of the 43m 'Y' distance would not be acceptable.
11. The current scheme would include a front boundary wall of 600mm height but with a number of taller brick piers. It would be set into the site from the back of the existing footway and would serve to widen the current narrow footway as it passes the site. Despite the brick piers, because of the proposed low height of the majority of the front wall the site frontage would have a generally open character. Therefore, drivers exiting the site would be able to observe approaching pedestrians and vice-versa and there would be no detrimental effects on pedestrian safety.
12. Nevertheless, for the other reasons given above, the proposal would run counter to LP Policy TA5, the Highways SA and the technical advice regarding the provision of visibility splays in MfS/MfS 2. It would therefore result in a severe impact on highway safety, contrary to paragraph 32 of the Framework.

**Other matter**

13. Since the application was determined, a High Court judgement of 31 July 2015<sup>1</sup> resulted in the Court making a Declaration Order on 4 August 2015 confirming that the policies in the related Ministerial Statement must not be treated as a material consideration in the exercise of powers and duties under the Planning Acts. Consequently, paragraphs 012-023 of the Planning Practice Guidance on planning obligations have been removed.
14. As a result, the Council has therefore, within its statement, set out a requirement for the proposed development to provide a contribution in respect of affordable housing by means of a Unilateral Undertaking (UU), should the appeal be allowed. I note that the appellant has not provided a UU. However, as I am dismissing the appeal for other reasons, this matter does not need to be given further consideration in my decision.

**Conclusion**

15. For the reasons given above and having had regard to all other matters raised, the appeal does not succeed.

*Hayden Baugh-Jones*

Inspector

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<sup>1</sup> West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin)