



Appeal Decision

Site visit made on 7 February 2012

by Raymond Michael MBA BSc DipTP MRTPI ARICS MIM

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

Decision date: 6 March 2012

Appeal Ref: APP/R3325/A/11/2162052

Hilcombe House, 8 West Street, Ilminster, Somerset TA19 9AB

- 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 Stephen Maylor against the decision of South Somerset District Council.
 - The application Ref 11/03054/FUL, dated 8 February 2011, was refused by notice dated 30 September 2011.
 - The development proposed is the conversion of former stable and store into self contained dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the site address given on the application form is set out in the heading above, the appeal concerns a detached building at the rear of that property, which is separated from the main curtilage of no. 8 by Piper's Alley. The Council considers that there is no objection in principle to residential use and, given the location in a residential area and within the development limits of Ilminster, I concur with that view.

Main Issue

3. The main issue is the impact of the development on highway safety arising from the level of traffic using the junction at West Street and Rutter's Lane.

Reasons

4. The appeal concerns a small 2-storey detached building accessed by way of Rutter's Lane, a narrow private track leading to a number of mainly residential properties. The building was originally a stable block for Hilcombe House, and has subsequently been used for garaging and storage. It has also been used as a pet treatment area in conjunction with the nearby veterinary surgery in West Street. There is no provision for off-street parking within the site.
 5. Rutter's Lane has no footways on either side, although it is a public right of way. At some points it is too narrow for 2 vehicles to pass, and that difficulty is compounded by the existence of a marked parking bay adjacent to no. 8. West
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Street and close to the junction with West Street. As a result there may be times when vehicles entering Rutter's Lane would need to wait on West Street or reverse into that road because of vehicles exiting the lane.

6. Rutter's Lane joins West Street at a right-angled junction at the point where West Street meets High Street. Visibility to the west is restricted by existing railings on the frontage of Hilcombe House, and there are pedestrian crossing signals immediately to the east of that junction. The combination of those factors leads to complex traffic manoeuvres at this point in the road system, adding to the normal level of danger on the highway.
7. The most recent use of the building as a pet treatment area is unlikely to have led to a high volume of traffic visiting the site, as most visits and deliveries would be likely to be made to the main surgery premises in West Street. The appellant indicates that at least twice-weekly deliveries have taken place to the building as a result of that use. That figure is below the typical number of vehicle movement generated by a residential development and, notwithstanding the lack of parking provision for the proposal, it is likely there would be an increase in vehicular movements to and from the premises, including occupiers and visitors, arising from the proposed residential use. Whilst the access currently serves several properties and garages, the factors highlighted above lead to concerns about an increase in danger on the highway at this point arising from a greater level of vehicle movements. The appellant has indicated that the continued use of the premises for commercial purposes would still generate vehicular movements. However, these are likely to remain lower than the level associated with a residential use.
8. The appellant has suggested that, because of its location close to the town centre, the proposed dwelling would be attractive to non car-owning households, and that arrangement could lead to a reduction in vehicles visiting the site. However, such limitations on occupation are very difficult to achieve over a long period of time, and it is unlikely that such a limitation could be adequately enforced. The appellant refers to a similar situation where residential conversion was approved in Ilminster without car parking, however, I have no details of that development, and I shall therefore deal with the current case on its merits.
9. In light of the above considerations I conclude that the proposal would lead to a reduction in highway safety arising from the level of traffic using the junction at West Street and Rutter's Lane, and would be contrary to Policy ST5 of the South Somerset Local Plan (2006), and Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review 1991-2011, which require that traffic generated by development can be satisfactorily accommodated on the local transport network.

Other Matters

10. The site is adjacent to the Ilminster Conservation Area (CA), which is a mix of mainly residential and commercial properties faced in local stone or render, and is at the rear of 8 and 10 West Street, which are listed buildings. However, the proposal makes no material alterations to the external appearance of the building, and consequently it would preserve the character and appearance of the CA and the setting of the listed buildings.

11. I note the presumption in favour of sustainable development in the draft National Planning Policy Framework. However, that document is only at its consultation stage, and I attach little weight to its provisions at this time. I also note that the Council has approved the residential conversion of a barn owned by the appellant behind premises on East Street, but I have only limited information about the circumstances of that case, and I have attached little weight to it. I have also considered the decision reached by the Inspector dealing with a nearby appeal to the west of the current appeal site (APP/R3325/A/06/2013478). In that case the Inspector indicated that the site also had access by way of New Street, and the circumstances therefore differ from the current appeal. None of the above matters is sufficient to outweigh the conclusion I have reached on the main issue.

Raymond Michael

INSPECTOR