



Appeal Decision

Site visit made on 14 May 2012

by **John Wilde C.Eng M.I.C.E.**

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

Decision date: 9 July 2012

Appeal Ref: APP/R3325/A/12/2171524

Land adjacent to 47 North Street, Crewkerne, Somerset, TA18 7AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Francis and Marie Benson against the decision of South Somerset District Council.
 - The application Ref 11/02405/OUT, dated 23 June 2011, was refused by notice dated 30 September 2011.
 - The development proposed is a dwelling and improvements to access and parking.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application has been made in outline with all matters reserved.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site is situated directly off the A356, which is designated as a County Route, and has a 30mph limit in the area of the site. The road is busy and slopes down past the appeal site from right to left as you exit the site, such that the speed limit would be more difficult to adhere to. The site currently contains a garage and further car parking spaces.
5. The highway authority point to the status of the road and consider that visibility splays should be provided in line with the Design Manual for Roads and Bridges (DMRB), which requires a splay from a point 2.4m from the edge of the carriageway giving a visibility of 90m. The appellants in turn point to the nature of the road, being an urban street lined with residential buildings, and contend that visibility splays (or stopping sight distance (SSD)) should be provided in line with Manual for Streets (MfS). This document, by reference to table 7.1, requires a SSD of 40m.
6. I saw at my site visit that the visibility when looking to the right from the proposed access is very limited, at only about 30m. This is occasioned by the curvature of the road and also by the positioning of meter boxes on the front elevation of an adjacent property. The proposed alterations to the front wall of the appeal site would not therefore significantly help to increase this distance.

The proposed development would therefore attain neither the visibility required by the DMRB, nor that required by MfS.

7. I am mindful that the site is currently used for the parking of cars belonging to the owner, and that consequently the access is already in use. However, at present the configuration of the existing garage and the parking area is such that vehicles are able to turn within the site and exit in a forward gear, unless all of the space to the side of the garage is taken up. The proposed layout would result in four cars parking at the rear of the site with very little room to turn, particularly those cars parked in the rearmost two spaces. There would therefore be more likelihood of vehicles reversing out into the road, which would be detrimental to both pedestrians using the adjacent footway and to drivers.
8. I accept that the actual entrance would be wider, allowing cars to enter and leave the site at the same time. Notwithstanding this however, in light of the restricted visibility and the likelihood of cars reversing out onto the main road, I consider that the proposed development would be detrimental to highway safety. It would therefore conflict with policy ST5 of the South Somerset Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review. The former of these seeks to ensure, amongst other things, that development makes provision for a satisfactory means of access, while the latter seeks to ensure that development provides safe access to roads of adequate standard.
9. My attention has been drawn to a permitted development in East Street Crewkerne, which forms part of the A30, where permission was granted despite a recommendation for refusal from the highway authority, based on visibility grounds. From the information available to me however, it would seem that at the time there were proposals to place a 20mph limit on this section of the A30 and also a pedestrian crossing in close proximity to the proposed access, and these factors were taken into consideration by the Council in arriving at their decision. I have to take the development before me on its own merits, and have found that the visibility would be restricted and reversing movements likely. I am aware that the proposed development may well have a beneficial effect on the character and appearance of the area and would provide housing in a sustainable area. These factors do not however outweigh the detriment to highway safety that has been identified.

Conclusion

10. For the reasons given above I find that the proposed development would be detrimental to the interests of highway safety. Having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

Inspector