



---

## Appeal Decision

Site visit made on 11 July 2018

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> August 2018

---

**Appeal Ref: APP/R3325/W/18/3199448**

**Bridgefield, Middle Street, Misterton, Crewkerne TA18 8LX.**

- 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 and Mrs Palmer against the decision of South Somerset District Council.
  - The application Ref 17/04872/FUL, dated 17 December 2017, was refused by notice dated 7 March 2018.
  - The development proposed is described as 'to create off-road parking'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The revised National Planning Policy Framework (the Framework) came into force during the course of the appeal. The parties have been given the opportunity to comment on the implications of the guidance on the appeal and I have also taken it into account in determining the appeal.

### Main Issues

3. The main issues in this appeal are:
  - The effect of the proposed development on highway safety.
  - The effect of the development on the character and appearance of the area with particular regard to the site's location in Misterton Conservation Area (the conservation area).

### Reasons

#### *Highway Safety*

4. The site fronts onto Middle Street (the A356) at a point where the road begins to slope steeply uphill. A short stretch of on-street parking currently occurs on the side of the road immediately in front, and to either side of the site. Whilst a pavement serves the side of the street on which the appeal site stands, there is no pavement opposite, and houses and boundaries here are positioned hard against the road edge. This layout and on-street parking combine to narrow the road width.
5. Whilst representing only a snap-shot of road use, during my mid-week late afternoon visit I observed that that Middle Street, which is a classified A Road,

was heavily trafficked with a wide range of vehicles including lorries and buses regularly passing along it. I also observed that the on-street parking noted above caused an intermittent bottleneck in the flow of traffic with queues quickly developing. A resulting potential for head-on collisions appeared to exist, whilst the appellants also recount their experience of an accident involving a passing vehicle.

6. Whilst the plans provided with the application suggest that the parking space would accommodate 2 cars, I consider that only one car could comfortably use the space envisaged. The space itself would clearly not be large enough to allow a vehicle to turn within the site, and would as such require vehicles to either reverse into or off of the road. Whilst I acknowledge that some vehicles may currently reverse into on-street parking spaces, and indeed observed this occurring during my visit, I note the Council's point that this is not essential.
7. Given the necessity to stop and manoeuvre against the direction of travel, reversing off the road into the proposed space could potentially be hazardous, particularly at times of peak traffic flow. Reversing off the road across the pavement could also bring some additional risk to pedestrians given that the potential restriction of visibility by vehicles parked either side of the access would obstruct a driver's view of people using the pavement.
8. Though the Council's officer report also notes the disruption to the 'free flow' of traffic that a reversing manoeuvre would cause, and both parties note disruption currently caused by use of on-street spaces, the efficient operation of the A road was not itself a reason for refusal. In this context, though it has been claimed by a third party that removal of on-street parking outside the site could be beneficial in terms of traffic flow, the conditions creating the current bottleneck would remain given that on-street parking would continue either side of the access.
9. The access would be flanked on the uphill side by the boundary of the attached neighbouring dwelling, and on the other, beyond the pedestrian gate, the frontage of a building immediately to the east. The Council notes that the elevations submitted with the application are inaccurate in their depiction of the latter, and I concur that the frontage of the building immediately to the east stands in much closer proximity to Bridgefield than shown, and in fact partially overlaps its frontage. Both the frontage of this building and the boundary of the attached neighbouring dwelling are located at the back of the pavement, and in consequence of this would act to severely restrict visibility from the proposed access. The Council considers that visibility exiting from the proposed parking spaces on to the highway would be severely below the recommended standards, and I concur with this.
10. Due to the severe restriction of inter-visibility from the proposed space and the pavement on either side, vehicles exiting it in either forward or reverse gear would be likely to have an adverse effect on pedestrian safety. This would be especially true with regard to pedestrians walking downhill past the attached neighbouring dwelling.
11. I observed that parked cars could effectively obstruct inter-visibility between the driver and vehicles travelling downhill regardless of whether exiting the space in forward or reverse gear. The resultant need to edge into the flow of traffic in order to ascertain whether the highway was clear or not would represent a considerable hazard which would be most acute where reversing,

and particularly dangerous for passing cyclists. Though inter-visibility with traffic travelling in the opposite direction would be somewhat better, and the resultant risk somewhat less, this would not in my opinion make the act of exiting the access any less dangerous overall.

12. The provision of the parking space would clearly remove the dangers inherent to those entering and exiting a vehicle parked on the road, particularly where involving a child accommodated on the back seat. However whilst I acknowledge that this would be a benefit of the scheme, my findings above indicate that the development would create a number of new risks for road users, pedestrians and indeed occupants of vehicles using the proposed parking space, the collective impact of which would outweigh this benefit.
13. The provision of a mirror on the building opposite has been proposed as a means of helping to address the issue of limited visibility. The building in question however lies outside the control of the appellants, and I consider that this would not otherwise satisfactorily mitigate the dangers identified. This is because of the limited and distorted field of view a mirror would provide, and the probable obstruction of reflected images by parked cars and/or passing vehicles.
14. My attention has been drawn to other existing accesses where visibility is judged to be inadequate. Whilst I lack the full details of these accesses, the County Council indicates that none have been subject of formal approval. As such I see no reason to consider that their existence justifies the creation of the proposed access or the hazards to which this would give rise.
15. Given my findings above, the proposed development would have an unacceptable adverse effect on highway safety. It would not therefore be in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028), which amongst other things aims to secure inclusive, safe and convenient access, or with the second bullet of paragraph 108 of the Framework which similarly to seeks to secure safe and suitable access to sites.

#### *Conservation Area*

16. The site lies within the conservation area, which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
17. An important part of the significance of the conservation area appears to me to lie in the collection of traditionally constructed and enclosed historic buildings it contains. In this regard Bridgefield lies at the end of a row of traditionally constructed dwellings prominently located on Middle Street. These are set back from and elevated above street level behind mixed masonry retaining/boundary walls which run continuously along the back of the pavement, and are punctured only by pedestrian accesses. I consider that this group of buildings, their layout and the street edge definition and enclosure provided by retaining/boundary walls make a positive contribution to the significance of the conservation area.
18. The proposed development would see the front wall of the property removed and part of the garden excavated. This would break the continuity of the enclosed street frontage, and open up a gap which I consider would appear

visually discordant. This impression would be accentuated by its use for parking, the abrupt change in levels, and the contrasting surface of the parking area. These points would in my view be harmful to the established character and appearance of the conservation area.

19. Whilst the appellants have acknowledged the sensitivity of the conservation area by pledging to reuse existing masonry in the construction of new retaining walls, specifying the colour of hard surfacing to reflect that of the dwelling, replacing the existing gate and through soft landscaping, I consider that the gap in the frontage would nonetheless remain visually discordant and harmful.
20. The Council's officer report notes that the scheme would not cause "significant harm" to the conservation area on account of the extent, scale and siting of the work. This implies that some harm, albeit not significant, would arise. With more specific reference to the terms used in the Framework, I consider that the development would cause 'less than substantial harm', for similar reasons to those given by the Council. As such I find that the proposed development would fail to preserve or enhance the character or appearance of the conservation area and this is a matter to which I afford great weight in accordance with paragraph 193 of the Framework.
21. Though acknowledging some harm would arise, the Council failed to carry out the balancing exercise required by paragraph 134 in the former version of the Framework, which is now carried forward into paragraph 196 of the revised version. Therefore the Council also failed to reach a conclusion with regard to the effect of the development on the conservation area. Given this lack of clarity further comments were sought from each of the parties during the course of the appeal regarding the effect of the scheme on the conservation area. Comments were only received from the appellants, and I have taken these comments into account in my reasoning above.
22. Taking into account the considerable importance and weight to be afforded to the statutory objective of preservation of the conservation area, I consider that the development would not provide any significant public benefits that would outweigh the harm it would cause to the significance of the designated heritage asset. Accordingly the Framework indicates that development should be restricted.

### **Other Matters**

23. It is noted by the appellants and a third party that the proposed development would improve access to a driveway opposite. However I have no information regarding the current or prospective use of this driveway or the resultant highway safety implications, and as such this has not had a significant bearing on my decision.

### **Conclusion**

24. For the reasons set out above the appeal is dismissed.

*Benjamin Webb*

INSPECTOR