
Appeal Decision

Site visit made on 2 July 2015

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 15 July 2015

Appeal Ref: APP/R3325/W/15/3004449

Land off Higher Kingsbury Close, Milborne Port DT9 5JL

- 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 I Skinner against the decision of South Somerset District Council.
 - The application Ref.14/04927/OUT, dated 31 October 2014, was refused by notice dated 2 February 2015.
 - The development proposed is described as 'revised outline planning application for 10 dwellings with all matters reserved except for means of access, layout and scale'.
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Preliminary Matters

1. The originating application was made in outline with appearance and landscaping reserved for future determination. I have dealt with the appeal on the same basis.

Decision

2. The appeal is dismissed.

Main Issues

3. These are the effect of the proposal on (1) the living conditions of occupiers of Nos.4 and 5 Higher Kingsbury Close through noise and general disturbance; and (2) highway safety.

Reasons

Living Conditions

4. Nos.4 and 5 straddle one leg of the turning head at the end of Higher Kingsbury Close. This turning head would be extended into the appeal site to act as the access to 10 new dwellings.
5. LP¹ Policy EQ2 sets out that development proposals will be considered against, amongst other things, the creation of quality places, and respect for local context, and should protect the residential amenities of neighbouring properties. All that chimes with the core principle of the Framework² that a good standard of amenity should always be sought for all existing and future occupants of land and buildings.

¹ The South Somerset Local Plan (2006-2028) adopted March 2015

² The National Planning Policy Framework

6. The appellant produced an 'Assessment of Potential Noise Impact' which concluded that there is no evidence to suggest that vehicles using the access road would result in unacceptable noise impact on the residential amenity of existing residential properties. That may well be a reasonable conclusion to draw, in noise terms alone, but the issue is not noise, in itself, but the noise and disturbance caused by vehicles that would be using the access road.
7. At present, the occupiers of Nos.4 and 5 experience little in the way of passing traffic. Running an access road between them, serving 10 new dwellings would lead to a significant increase in passing traffic and associated noise, and more importantly, disturbance. That is especially so because the existing turning head is quite narrow so vehicles would be passing Nos.4 and 5 at very close quarters. The inclusion of a parking area that would require reversing manoeuvres to the rear of No.4 would exacerbate impacts on that property. On top of all that, at night-time, No.4 and especially No.5, would be affected by headlights of cars using the new access, shining into habitable room windows.
8. In my view, this combination of impacts would have a significant detrimental impact on the living conditions of the occupiers of Nos.4 and 5. This means that the proposal falls contrary to LP Policy EQ2 and the core principle of the Framework referred to.

Highway Safety

9. The Council believes that the tension between car parking spaces and turning areas in the proposed layout would have implications for the living conditions of occupiers of the proposed development. However, I agree with the appellant that to a large extent, this is a highway safety issue. The layout is relatively constrained but it seems to me that there would be sufficient space available to avoid any significant conflict between vehicles and pedestrians. I see no divergence from the requirements of LP Policy EQ2 or the Framework in this regard, therefore.

Final Conclusion

10. While the proposal would have no great impact in terms of highway safety, it would have a significant detrimental impact on the living conditions of the occupiers of Nos.4 and 5 Higher Kingsbury Close through noise and general disturbance. Notwithstanding what has been termed the 'permissive approach' to new housing in Milborne Port, in the LP, and other matters raised by the appellant in support of the proposal, this harmful impact would be of such a degree that it outweighs all other considerations in this case.
11. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR