



Appeal Decision

Site visit made on 9 January 2018

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 February 2018

Appeal Ref: APP/R3325/W/17/3185578

Briary, High Street, Keinton Mandeville, Somerton TA11 6DZ

- 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 Mrs Bizon against the decision of South Somerset District Council.
 - The application Ref 17/02981/FUL, dated 13 July 2017, was refused by notice dated 6 September 2017.
 - The development proposed is a driveway to the front of the house.
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Decision

1. The appeal is allowed and planning permission is granted for a driveway to the front of the house at Briary, High Street, Keinton Mandeville, Somerton TA11 6DZ in accordance with the terms of the application, Ref 17/02981/FUL dated 13 July 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Unless modified by the condition below the development hereby permitted shall be carried out in accordance with the following approved plan: 001- Existing/Proposal Drawing.
 - 3) Notwithstanding that shown on the approved plan the parking area shall not be brought into use until it is drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and it shall be thereafter maintained as such at all times.

Main Issue

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

Reasons

3. High Street is lined by close knit residential development in the vicinity of the appeal site and is subject to a 30 mph speed limit. At my site visit (middle of the day) I noted that High Street was fairly busy and there was a steady flow of vehicles using it. I acknowledge that at other times of the day it may be busier but there is no evidence before me to suggest that the road is normally heavily trafficked.
4. There is a convenience store on the opposite side of High Street and there was a moderate demand for on-street parking on both sides of High Street at the time of my site visit. I consider that given the location of the shop and the

- close knit residential development that on-street parking is highly likely to occur regularly on this part of High Street.
5. The appeal property has a modest front garden which the appellant proposes to use for parking one or two vehicles. A vehicular access with a dropped kerb would be provided to the footway. The Council refused the application on the grounds that the proposed vehicular access would fail to provide the recommended 2.4m x 43m visibility splays and the site cannot accommodate adequate turning facilities.
 6. There is no dispute that the recommended visibility splays cannot be met at the site as they extend over adjoining front gardens which the appellant has no control over. However, in the main the boundary treatments to those front gardens are low in height. Taken with the alignment of the road this means that a good level of visibility is achievable in both directions. Numerous properties in the immediate vicinity have parking areas and vehicular accesses to the front. Consequently, it is highly likely that the boundary treatments would remain low to ensure that visibility from those existing accesses is retained.
 7. Furthermore, given the on-street parking and the proximity of the junctions with Queen Street and Coombe Hill it is highly likely that vehicle speeds on High Street would be relatively low. Moreover, it seems to me that vehicle movements onto and off the proposed driveway are likely to be limited. For these reasons I am satisfied that the achievable visibility splays would not compromise the safety of users of the highway.
 8. The restricted dimensions of the garden area at the front of the appeal property would mean that a reversing manoeuvre would be required to either enter or exit the driveway. I acknowledge that this is not ideal and given the parked cars and the junctions in close proximity that it could lead to a number of conflicting vehicle movements. Additionally it may lead to confusing signalling by vehicles seeking to access the parking area.
 9. Nevertheless, as stated above the number of movements would be limited. It is also appropriate to take into account the close knit nature of the residential development along High Street, with many vehicle entrances, the majority without on-site turning space. In this street context drivers are likely to be relatively alert to the potential for vehicles to undertake turning and reversing movements. Moreover, even though the existing vehicular accesses may not have received consent or maybe historical there is no evidence before me that these accesses have been prejudicial to highway safety.
 10. On the basis of the evidence before me, for the reasons set out, I am satisfied that a safe and suitable access to the site would be achieved and that the proposal would not have a harmful effect on highway safety. It follows that the proposal would comply with Policy TA5 of the South Somerset Local Plan which, amongst other things, requires development to be designed to secure safe access and to ensure that the expected nature and parked vehicles generated by the development would not have a detrimental impact or compromise the safety and/or function of the local road networks. It would also comply with paragraph 32 of the National Planning Policy Framework (the Framework).

Conditions

11. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In the

interests of conciseness and enforceability the wording of the Council's suggested conditions 03 and 04 has been amended and the conditions have been combined to avoid duplication. In order to provide certainty as to what has been permitted I have imposed a condition specifying the relevant drawings. In the interests of highway safety, it is necessary to impose a condition in relation to the materials and drainage of the parking area.

Conclusion

12. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR