



Appeal Decision

Site visit made on 28 October 2019

by **M Bale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/R3325/D/19/3235066

Gauntlet Cottage, 13 Sherborne Road, Milborne Port DT9 5AT

- 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 Philip Taylor against the decision of South Somerset District Council.
 - The application Ref 19/00620/HOU, dated 2 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is described on the application form as creation of 2 car Parallel Parking Bay by repositioning of roadside boundary wall, after lowering garden to road level. Bay approx. 10m x 3m lying E to W. Legacy single skin stone wall replaced by high density 100mm concrete block retaining wall, tied to stone facing wall rebuilt from legacy material. Wall height approx. 1.4m. Roadside edge retains 'gully' effect with precast concrete edging [*sic.*] to bay surface of concrete approx. 200 - 250mm thick. W end of bay to have steps up to existing path level to remove necessity of walking on carriageway, which has no footway.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development to which the appeal relates has already been carried out. From my observations at the site visit, the development on the ground appeared to accord with the submitted plans. I have, therefore, determined the appeal on the basis of the submitted plans.
3. The Council's first two reasons for refusal refer to a conflict with Section 4 of the National Planning Policy Framework (the Framework). The Council has subsequently confirmed that this was a reference to the previous (2012) version of the Framework when section 4 was concerned with promoting sustainable transport. Such is now covered in section 9 and the appellant has been afforded the opportunity comment in respect of the relevant section.

Main Issues

4. The main issues are the effect of the development on highway safety and the effect on heritage assets, with particular regard to the character and appearance of the conservation area and setting of nearby listed buildings.

Reasons

Highway safety

5. The site is on the A30 as it passes through Milborne Port. The road is relatively narrow as it passes the site and during my site visit was busy with a steady stream of traffic, including large vehicles, in both directions. A parking bay has been constructed alongside the road. The appellant describes how one vehicle can drive directly into the bay and, once parked, a second can enter through a simple reverse parking manoeuvre. However, that manoeuvre would present a hazardous obstruction on the busy road, albeit momentarily.
6. There is no clear evidence that the Highway Authority's objection to the scheme is based upon the application of visibility splays relating to an access point at right angles to the road. Assuming that vehicles were to park facing the direction of the adjacent running lane, there appeared to me to be limited forward visibility past No.13. As a driver leaving the space is likely to be focussed on traffic approaching from behind, this lack of visibility could present a hazard.
7. Drawings have been provided suggesting the availability of visibility to the rear, but these do not necessarily reflect the position of a driver relative to the carriageway. They certainly do not appear to accurately depict visibility from a car parked to the rear of the space that may need to exit around one parked closer to No.13, and from where visibility would be hampered by the adjoining boundary wall. The evidence does not, therefore, demonstrate that adequate visibility splays are available for the safe operation of the spaces.
8. I note the appellant's argument that, at the time of the appeal, the parking spaces had been in use for some 3 months without incident, but it does not necessarily follow from this relatively short period that the arrangement would remain safe in perpetuity. I also note comparisons to a space serving the adjoining property that may have been in place for over a decade.
9. However, serving only a single vehicle, it is not clear that the same degree of manoeuvring would be required at that nearby space and there is no substantive evidence that the visibility would be significantly different to that at the appeal site. I understand that on-street parking may occur elsewhere on the A30 within Milborne Port, but my attention has not been drawn to any other directly comparable examples.
10. The appellant's appeal statement indicates that the occupiers of No.13 currently park elsewhere and have to cross the busy A30 to access their home. However, whilst the footway does extend past the entirety of the appeal site, and use of any wheeled pedestrian transport, including electric bicycles, may be challenging, there is some refuge to the front of No.13. I appreciate that visibility for and of pedestrians is limited to an extent, but there is no substantive evidence that it is not safe to cross the road here. I, therefore, attach limited weight to the potential benefits that may result from a reduction in pedestrian crossing activity around the site.
11. I also note that there are no parking restrictions on this part of the A30 and that the occupiers of No.13 could legally park on the road causing an obstruction and safety hazard. Indeed, the appellant has commented that they are currently parking on the carriageway alongside the parking bay causing

stop-start traffic movements with potentially higher vehicle emissions. However, noting the appellant's earlier comments that they currently park on a residential road elsewhere, this does not, in practice, appear to have been any more than a very occasional occurrence in the past and so receives limited weight.

12. The National Planning Policy Framework (the Framework) sets out the Government's policies on a number of planning matters, including those relating to highway safety. These are all material considerations in the determination of this appeal. At paragraph 109, the Framework sets out that, amongst other things, development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety. That is the case that I have found here.

Heritage assets

13. The part of the Conservation Area around the site is defined by the A30, which is bounded by substantial stone walls that follow the gentle curve and gradient of the road. The plans indicate that when facing the new parking spaces from across the road the stone wall that currently exists to the left would have extended along the site frontage in a line to meet the front of No.13.
14. I have little information about the significance of the conservation area, but from my own observations, it would appear to be derived from the position and development of the settlement on a major thoroughfare and its associated historic buildings.
15. I do not doubt that the former wall was in a poor state of repair. However, it would nevertheless have contributed to the channelled appearance of the highway and continuity of enclosure that is important to the character of this part of the conservation area. I understand that the wall may have needed rebuilding for safety reasons, but there is no evidence to suggest that it could not have been rebuilt on its former line.
16. By contrast, the formation of the parking bay with its formal, right angled sides are a stark contrast to the more organic alignment of the other nearby boundaries. Whilst the stonework appears to have been constructed to a high standard, with an appearance to reflect the host property, the set back of the wall detracts from the strong sense of enclosure, thereby harming the character and appearance of the conservation area and its significance. The development affects only a small part of the heritage asset and the level of harm to it would, therefore, be less than substantial.
17. The Council has also referred to the settings of listed buildings. I have only been provided with details of The Old Rectory which sits behind the appeal site, although the appellant's evidence also suggests that the 'Medleycott' Building broadly opposite No.13 is also listed.
18. The adjoining stone wall, which would have been a continuation of the former wall at the site, appears to be a boundary to The Old Rectory, although the building itself is significantly screened by trees and vegetation. The affected part of the wall clearly relates to No.13 and consequently, I do not find harm to the setting of this listed building or its significance.
19. Similarly, the Medleycott building, which is on the opposite side of the road, has a separate context and the works at the appeal site did not appear to

impact upon its setting. My attention has been drawn to the extensive restoration works at the Medleycott building, including the formation of a large parking area to the front that has a prominent position in the street scene. However, I do not know the full circumstances of that development so I cannot draw detailed comparisons to the case before me.

20. The Framework, at Paragraph 196 sets out that where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In that regard, I note the benefits that would arise from alleviating some of the increasing parking pressures in Milborne Port and that some local residents may have verbally expressed these benefits to the appellant. However, given my concerns over safety, I attribute these benefits only limited weight.
21. Whilst the harm to the asset would be less than substantial, the Framework is clear at Paragraph 193 that great weight should be given to the asset's conservation. Therefore, the benefits do not outweigh the harm, resulting in a conflict with Policies SD1, EQ2, and EQ3 of the South Somerset Local Plan (2006-2028) that seek to ensure sustainable development including through respecting the local context and safeguarding the significance of heritage assets.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR