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## Appeal Decision

Site visit made on 5 November 2014

**by Paul Griffiths BSc(Hons) BArch IHBC**

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

**Decision date: 18 November 2014**

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**Appeal Ref: APP/R3325/D/14/2226579**  
**54 Old Town, Chard TA20 2BE**

- 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 Miss Marie Murphy against the decision of South Somerset District Council.
  - The application Ref.14/03414/FUL, dated 17 July 2014, was refused by notice dated 23 September 2014.
  - The development proposed is the conversion of a front garden into a drive, including the lowering of kerbs.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of a front garden into a drive, including the lowering of kerbs, at 54 Old Town, Chard TA20 2BE, in accordance with the terms of the application, Ref.14/03414/FUL, dated 17 July 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered: Location Plan; Unnumbered: Proposed Block Plan; and Unnumbered: Proposed Section Thru' Property Detailing Relative Heights.

### Main Issue

2. This is the effect of the proposal on highway safety.

### Reasons

3. LP<sup>1</sup> Policy ST5 sets out a range of criteria against which development proposals will be considered. Amongst these, criterion 5 requires satisfactory means of access, into, and within, a site.
4. No.54 is the end house in a terrace of four. The front garden area is relatively large but it does not appear sufficient in size for a vehicle to be turned around easily within its confines. It seems likely then that use of the parking space would involve the vehicle being reversed into, or out of, the site.
5. The nub of the issue is whether such manoeuvres would lead to difficulties in terms of highway safety.

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<sup>1</sup> The South Somerset Local Plan Adopted 2006

6. The property is near to the centre of Chard and Old Town is part of a relatively busy road (the A358). I drove past No.54 in both directions during the course of my site visit and noted that traffic speeds in the vicinity, as one would expect near a town centre, are relatively low. Traffic approaching No.54 from the north, and south, would have clear visibility of the proposed access from some distance away.
7. Moreover, there are lots of existing places along Old Town, and beyond, from where vehicles already seek to gain access to, or from, the A358. A number of these will involve vehicles reversing. Some of the accesses may well not benefit from planning permission, but they appear well-established<sup>2</sup>, and there is no indication of whether the Council will, or indeed can, take action against them. The existence of all these points where vehicles might emerge from, turn into, or stop to reverse into, serves to put passing drivers on their guard.
8. In that overall context, it is very unlikely that a vehicle reversing into, or out of, the parking space proposed would come as a surprise to approaching motorists, or lead to any significant danger of collision. On that basis, I conclude that the proposal would not cause any significant difficulties in terms of highway safety, and the requirements of LP Policy ST5 are thereby satisfied.
9. For the reasons given above I conclude that the appeal should be allowed. Conditions are required to deal with commencement and to set out the approved plans.

*Paul Griffiths*

**INSPECTOR**

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<sup>2</sup> Those at Nos.48, 50 and 52 Old Town for example