
Appeal Decision

Site visit made on 4 May 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 31st May 2017

Appeal Ref: APP/V3120/W/17/3168833
144 Stockham Park, Wantage OX12 9HJ

- 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 Glen Keep against the decision of Vale of White Horse District Council.
 - The application Ref P16/V1918/FUL, dated 26 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is new two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant, in responding to the Council's Highways Liaison Officer statement, has submitted an amended site plan, Ref 1301-S-01 Revision A, showing an amended parking layout. Whilst I have accepted that plan and acknowledge that it is an attempt to address the Council's comments, I cannot take it into consideration as the land concerned is outside of the site boundary on land not controlled by the appellant and not secured. The same applies to the original site plan submitted.
 3. The appellant considers that the parking could be secured by a legal agreement required by a condition. However, I have had regard to advice in the Planning Practice Guidance that sets out that a positively worded condition should not be used to require an applicant to enter into a planning obligation, and that a negatively worded condition limiting development until an obligation is entered into is unlikely to be appropriate in the majority of cases. I do not consider this proposal to represent one of strategic importance due to it only relating to a single dwelling and so should not be considered an exceptional circumstance. Furthermore, I have received no evidence of any agreed heads of terms or principal terms.
 4. Since the Council's decision was issued, the Local Plan 2031 Part 1: Strategic Sites and Policies (the Local Plan 2031) has been adopted. The Council has confirmed that of those policies referred to in its decision notice, policies DC1 and H10 of the Vale of White Horse Local Plan 2011 (the Local Plan 2011) have not been saved. The appellant is aware of the adoption of the Local Plan 2031 and so is not prejudiced by the change in circumstances.
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5. The Council, in its decision notice, refers to its Design Guide. I have applied some weight to that document due to its role in supporting the relevant development plan policies.

Main Issues

6. The main issues are the effect of the proposed development on:
- i) the character and appearance of the surrounding area;
 - ii) highway safety in respect of provision for car parking.

Reasons

Character and appearance

7. The site is located on a residential estate where in the vicinity of the site there are a variety of dwelling designs and plot sizes, consisting mainly of terraces, albeit that there is a pair of semi-detached houses opposite to the north-west of the site. Their relationship to the streetscene also varies whereby many directly face the street, with some end properties side on to it, and a number of others on the opposite side from the site backing onto it. However, the latter are set well back from the street and, whilst those fronting it are set back by varying amounts, in the vicinity of the site they generally have some degree of front garden area or are set well back behind highway verge.
8. The dwelling would replace part of the existing screen fence along the site frontage. That existing arrangement is however not unusual in the local context. The proposed dwelling would face onto the street with no front garden and only a narrow strip of highway verge separating it from the road. Together with its uncharacteristically detached nature and prominent position raised above the road level and at a bend in the road, it would stand out as a jarring and obtrusive feature of the streetscene.
9. I acknowledge that some of those existing end terrace properties nearby fairly characteristically have their side elevations very close to the road. However, those circumstances are clearly different to, and distinct from, the appeal scheme in that they do not relate to the frontages of those dwellings.
10. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, it would be contrary to Core Policy 37 of the Local Plan 2031 and the Design Guide, which together, in respect of this issue, require new development to be of high quality design that responds positively to the site and its surroundings. It would also be contrary to the National Planning Policy Framework (the Framework) which states, in paragraph 17, that planning should, amongst other things, always seek to secure high quality design and take account of the character of different areas.

Highway safety in respect of provision for car parking

11. As I have referred to above, I cannot take account of the proposed off-street parking. As such, I have had regard to whether the proposal would be acceptable without such provision.
12. I have firstly had regard to whether the proposal would be likely not to generate a demand for additional car parking in terms of car ownership.

Although the site is located close to a primary school, access to most services and facilities to serve day to day needs such as shops, health and leisure facilities in Wantage town centre are more than a short, highly convenient walking distance away. Likewise in respect of employment destinations both within Wantage and further afield. I note that there is a local bus service, but that would be unlikely to be convenient for serving all trip requirements in terms of destination and timing. The site is therefore not in such a highly sustainable location as to be likely not to generate some demand for car ownership.

13. I saw that in the vicinity of the site there are no restrictions upon on-street parking. However, not only is the site located adjacent to a slight bend in the road but is also close to road junctions. On-street parking here, adjacent to the site, would therefore have the potential to impede forward visibility of drivers or cause unexpected manoeuvres resulting in the risk of collisions. I acknowledge the appellant's claim that the existing house and others locally rely on on-street parking. However, any addition to the demand for such parking in this location would, for the above reasons, be likely to pose an increased risk to highway safety.
14. For the above reasons, I conclude on this issue that the proposal would be likely to pose a risk to highway safety in respect of provision for car parking. As such, it would be contrary to saved policy DC5 of the Local Plan 2011 and the Design Guide, which together require development to provide adequate and safe provision to be made for parking vehicles.
15. The Council, in its decision notice, also refers to Core Policy 35 of the Local Plan 2031. However, that policy relates to promoting public transport, cycling and walking and so is not directly related to this issue of highway safety.

Conclusion

16. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
17. The Council, in its officer report, refers to it not being able to demonstrate a five year supply of deliverable housing sites although I note that the Local Plan 2031 has since been adopted. Nonetheless, even if there is not such a supply, I consider that the unacceptable harm that would be caused to the character and appearance of the surrounding area and the likely risk that I have found would be posed to highway safety would significantly and demonstrably outweigh the small benefits comprising the net addition of only one dwelling towards addressing the undersupply of housing, the additional passive overlooking of the street, and provision of construction jobs and support to local facilities, when assessed against the Framework taken as a whole. It would therefore not be a sustainable form of development.
18. Therefore, for the above reasons, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR