
Appeal Decision

Site visit made on 12 June 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/V3120/D/19/3225089

43 Highworth Road, Shrivenham, Swindon, Wiltshire SN6 8BH

- 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 Paul Gordon Carter against the decision of the Vale of White Horse District Council.
 - The application Ref: P18/V2592/HH, dated 12 October 2018, was refused by notice dated 15 January 2019.
 - The development proposed is tarmac the green highway verge to the front of property and drop the kerb onto Highworth Road for improved vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is an area of green highway verge to the front of a two-storey dwelling at 43 Highworth Road. It is proposed to tarmac the grass verge and install a dropped kerb to enable cars to cross it from the highway and park in the front garden of No 43.
4. Highworth Road, the B4000, provides access to the rural village of Shrivenham from the north. No 43 is part of a short terrace of four similar dwellings towards the edge of the built form of the village. They and other adjacent terraces are set back from the road and fronted by a footpath and the green highway verge. The grass verge is about 4 metres deep and runs south-eastwards for some distance from 45 to 27 Highworth Road, albeit with occasional interruptions, to the junction with Sand Hill. The green verge contributes to a pleasant introduction to the village in the transition from the surrounding countryside. It creates a sense of openness and helps to soften the impact of the built form of the village and its hard surfaces. Therefore, it makes a positive contribution to the character and appearance of the area.
5. As I saw on my site visit, there is a new housing development at Barrington Park, immediately to the north west of the appeal site and on the same side of the road. It appears that a new access road has been created to serve that site along with a pavement connecting to the existing footway, which has taken up a portion of the grass verge in front of the existing property at No 45. That

end of terrace dwelling also benefits from a detached garage to the side and a crossover onto the road over the new section of pavement.

6. The appellant submits that the Council has been inconsistent in allowing changes to the verge, associated with that development, whilst refusing his proposal. However, although the layout of the new development is different from the existing roadside terraces, an area of green verge has been incorporated between the pavement and the garden wall of the first of the new houses. There is also a further section of grass verge running alongside the road to the north-west and fronting the other part of the same development.
7. Therefore, the layout of that new development retains or creates significant elements of green verge adjacent to the road, which is generally in keeping with the character of the area. Consequently, I give limited weight to the appellant's argument in that respect. In any event, even if it was accepted that the new development had some negative effect on the appearance of the road, it would not legitimise causing further harm by reducing the established green verge fronting other existing houses along the road, which currently enhances the appearance of the immediate area.
8. As alluded to above, there are already some narrow paved pathways and driveways crossing parts of the existing verge. In correspondence between the main parties there is reference to similar works at a nearby property, but the Council indicates that they do not benefit from planning permission. Other pathways and driveways across the verge have, according to the Council, been in place for more than 10 years, which implies that it may not be possible for the Council to take enforcement action, even if those developments did not have planning permission. In any case, notwithstanding the interruptions and unauthorised developments, the remaining grass verge forms a visually pleasing feature at the roadside. Allowing the tarmacking of further sections would erode its attractive, verdant character to the detriment of the area.
9. Whilst the Council acknowledges that there are some benefits associated with the provision of off-street parking, it advises that the property at No 43, along with others in the row of houses, already has access to a garage block and parking area to the rear, accessed via Sand Hill. However, the appellant says that those garages and parking spaces are not freely or specifically allocated to the houses. Rather, he rents one of the garages from the Council on a monthly basis. Although the appellant appears to consider that to be an unsatisfactory arrangement and says that other residents use the garages for storage rather than vehicles, ultimately that is their choice, and the fact remains that there is a block of some 10 garages and a parking and turning area just to the rear of No 43, with a garden gate providing pedestrian access.
10. The appellant says that the rear garages and parking area are not served by streetlighting and that his car and work van were broken into when parked there last year, which is regrettable. However, it is not apparent from the evidence provided if either of them was parked within the lock-up garage that the appellant rents from the Council at the time, which would mean that a vehicle was out of sight of potential thieves. I accept that it may be that the van is too large to be accommodated in one of the garages, although that is not clear from the appeal submissions. The garage block and parking area are now overlooked by windows of some of the new houses at Barrington Park. That increased surveillance could reduce the potential for thefts or damage.

11. I also note that there is a lay-by on the opposite side of the road to the front of No 43, which appears to be available for parking. There is some street lighting opposite and it is overlooked by No 43 and other properties in the terrace. Although there is more new housing development within the field behind the lay-by, it has not been suggested that the lay-by will be lost as a result. Therefore, it appears to offer another existing parking option for the appellant and visitors.
12. The appellant says that the lay-by is used for parking by other residents and, currently, by workers on the housing development opposite. Several of the houses along this part of the road have side garages and driveways, so they may not need to use the lay-by. Furthermore, although I appreciate that it only provides a snapshot in time and there may be more parking demand earlier or later in the day, there were spaces in the lay-by when I conducted my site visit (between 1050-1120 on a weekday morning). The current use by workers on the housing development will, presumably, be temporary and limited to the period of construction.
13. Therefore, whilst I understand that the appellant wishes to park within the frontage of his property, there appear to be other parking options available. Moreover, the planning system is more generally focussed on the wider public interest rather than personal or private benefits, unless exceptional personal circumstances or needs have been clearly demonstrated. That is not the case here.
14. The above factors lead me to conclude that the proposed development, which would entail the loss of part of the green highway verge, would have an adverse effect on the character and appearance of the area. It follows that it would conflict with Core Policy 37 of the Vale of White Horse Local Plan 2031, Part 1, Strategic Sites and Policies¹, which seeks to ensure that new development is visually attractive and responds positively to the site and its surroundings. It would also fail to comply with similar advice contained within paragraph 127 of the National Planning Policy Framework.²
15. Emerging policy DP16 of the Vale of White Horse Local Plan 2031, Part 2, Detailed Policies and Additional Sites, is also referred to within the Council's decision notice. However, it appears that 'Part 2' has yet to be adopted. In any case, in relation to the appeal proposal, it adds little further to the high-quality design imperative of Core Policy 37 within the already adopted 'Part 1' of the development plan, referred to above, which the proposal conflicts with.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR

¹ Adopted December 2016

² February 2019