
Appeal Decision

Site visit made on 17 December 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Appeal Ref: APP/C3105/W/19/3237908

3 Denbigh Close, Banbury OX16 0BQ

- 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 Kerry Beckingsale against the decision of Cherwell District Council.
 - The application Ref 19/00848/F, dated 9 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is the change of use from HMO within Class C4 to 7 bed HMO (sui generis) and new access from Broughton Road.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Kerry Beckingsale against Cherwell District Council. This application is the subject of a separate Decision.

Procedural Matter

3. I have taken the description of development from the decision notice as it more accurately describes the proposed development.

Main Issues

4. The main issues are the effect of the proposed development on highway safety and whether there would be adequate parking provision.

Reasons

5. The appeal site is a semi-detached property located in Denbigh Close, which is a relatively narrow residential cul-de-sac. To the front of the property there is a driveway and an area of gravelled hardstanding.
6. The proposal includes the option to create 2 additional parking spaces at the rear of the property, with access from Broughton Road. The site is located near the edge of the settlement, and although within the 30 miles per hour (mph) zone, I observed that it was a relatively busy road and that vehicles were travelling at some speed. The proposed parking spaces would be of an adequate size, but they would provide no manoeuvring space. Therefore, the vehicles would either have to reverse into the spaces, or reverse out onto the main road. The manoeuvres required to enter and exit the site would lead to unacceptable highway safety risk.

7. Although Broughton Road is relatively straight and there is a grass verge between the property boundaries and the road, there are large trees on one side of the proposed access, which would restrict visibility looking eastwards. The view westwards is largely unobstructed, although there is a curve in the road at the transition point from 50mph to 30mph. Drivers reversing out of the site would have poor visibility eastwards and limited warning of vehicles approaching at speed from the west. This would lead to unacceptable highway safety risk.
8. It is argued that there are similar access arrangements at No 6 and No 7 Denbigh Close. However, these sites have incorporated space for a vehicle to turn within the site; therefore, they are able to enter and exit in a forward gear.
9. Turning now to parking, the Local Highways Authority (LHA) considers the site capacity to be 3 vehicles. However, the proposed layout plan demonstrates that 4 vehicles could be accommodated to the front of the property. It is contended that this is sufficient, having regard to the provision of cycle parking for all tenants and the availability of public transport. Although timetables have not been provided, I am told that there are 9 bus stops within a 22-minute walk, with services providing links to Banbury railway station.
10. The LHA requires 7 off-street parking spaces that allow all vehicles to access and egress the site in a forward driving gear. It contends that the proposal would not be in accordance with the OCC Residential Road Design Guide (2003) – Second Edition (2015). However, I note that this document does not set specific parking standards for HMOs, referring only to the possible need for additional spaces in areas where parking congestion occurs.
11. The existing C4 use could accommodate up to 6 people. However, the proposed 7-bedroom HMO would generate additional parking demand, albeit from 1 extra bedroom, from residents and visitors which could not be accommodated off-street without the 2 additional spaces being proposed onto Broughton Road. Such spaces would be materially harmful to highway safety and there would be insufficient space within the cul-de-sac to accommodate displaced vehicles without having an adverse effect on the safety and convenience of existing residents and other highway users.
12. The appellant contends that it is highly uncommon for every tenant within an HMO to own a car and that those requiring a parking space would consider this when looking for somewhere to live. However, there is no substantive evidence before me to support this argument and therefore I attached it limited weight.
13. The applicant has submitted the results of a traffic survey, but I note that it was carried out around the Christmas and new year holiday period which does not reflect typical levels of car usage. Furthermore, photographs of on-street parking represent only a snapshot in time. None of the evidence before me is a reliable indicator, and therefore, I have used my own judgement taking into account the context of the area and my own observations.
14. The appellant refers to a planning application¹ where a Travel Plan was included to encourage residents to use more sustainable forms of transport, as well as only providing the minimum requirements for parking and cycle storage.

¹ 13/01528/OUT

However, I have not been provided with all the documentation for this application and cannot determine if the circumstances are directly comparable.

15. Taking all factors into account, I conclude that the proposal would adversely affect highway safety and would not make adequate parking provision. It would be contrary to Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Paragraph 108 of the National Planning Policy Framework. These policies, amongst other things, seek development to have safe and suitable access for all users and be designed to deliver high quality safe places to live.

Other Matters

16. I note the recent appeal² which the appellant believes to be similar to this proposal. However, I have not been provided with the full details, and in any case the main issue appears to have been the impact on the character and appearance of the area, rather than highway safety and parking. Each case is site specific and fact sensitive, therefore, it is difficult to draw parallels.
17. There is no evidence before me of any concerns or issues having arisen in relation to the C4 HMO property at No 2 Denbigh Close. However, this does not make the proposal acceptable or justify a larger HMO which itself requires planning permission.
18. The property meets the size and amenity standards required for this type of HMO and has been signed off by the HMO Officer. The site is sustainably located within the settlement boundary with good access to services and facilities. The proposal would make efficient use of land and it would meet a particular need and increase the diversity of housing supply. These are all positive factors in favour of the scheme, but they do not outweigh the harm that I have identified above.
19. I have taken into account all other concerns raised, including in relation to safe routes of escape, sewage capacity and the impacts on neighbour living conditions and community spirit. However, based on the information before me these matters would not constitute reasons to dismiss the appeal.
20. Whilst I note the appellant's concern over the way the planning application has been handled by the Council, this is not a determinative matter for this appeal, which I have considered on its planning merits.

Conclusion

21. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR

² APP/X1735/W/18/3200486