



Appeal Decision

Site visit made on 4 December 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2020

Appeal Ref: APP/V3120/D/19/3235622
32 Grove Street, Wantage OX12 7AA

- 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 Gerald Bird against the decision of Vale of White Horse District Council.
 - The application Ref P19/V0874/HH, dated 7 April 2019, was refused by notice dated 3 June 2019.
 - The development proposed is to lower the kerb and move the back fence at the rear of property to allow access for a driveway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of the application by the Council, the appellant has submitted amended plans which now show the visibility splay. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. The guidance is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. The additional information directly addresses part of the reasons for refusal.
3. Having regard therefore to the Wheatcroft Principles, the nature of the updated information, and in the interests of fairness, I have therefore determined the appeal on the basis of the plans and information that were before the Council when it made its decision and on which all parties were consulted.
4. The Vale of White Horse District Local Plan Part 2 Detailed Policies and Additional Sites (2019) (LP) has been adopted since the appeal was submitted. Policy DC5 of the Vale of White Horse Local Plan Part 1 Strategic Sites and Policies has been superseded by Policies DP16 and CP37 of the LP. The appellant and the Council have both commented on the new policies. I must make my decision on the development plan prevailing at the time of my determination. I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

5. The main issue is the effect of the proposal upon highway safety.

Reasons

6. The appeal site comprises a mid-terrace property located on the edge of Wantage town centre. The rear garden backs onto Seesen Way. The rear garden is at a marginally higher level than the road separated by a timber fence. The boundary treatments with neighbouring properties comprise a low brick wall to one side and taller timber fencing to the other.
7. Seesen Way is a busy A road, subject to a 30 miles per hour speed limit and gradually curves in front of the appeal site. Whilst my site visit only provided a snapshot of the highway conditions, it is a busy road with a constant flow of traffic in both directions.
8. The proposal would introduce a footway crossing to the rear of the property along Seesen Way and a driveway occupying the rear part of the garden of the host property.
9. Notwithstanding the higher level of the site, visibility of approaching traffic and pedestrians would be limited, particularly from the north, due to the existing boundary treatments and the curve of the road.
10. Furthermore, the limited width of the driveway would require vehicles to either enter the site in forward gear and reverse out on to the road or manoeuvre within the road to reverse into the site, regardless of whether there is space for a car on the driveway. Therefore, the proposed footway crossing would result in manoeuvres on a busy road thereby increasing the potential for conflict with both vehicles and pedestrians resulting in an unacceptable impact on highway safety.
11. I note the examples of existing footway crossings and driveways in Wantage provided by the appellant. However, I am not aware of the individual circumstances that led to them being carried out, in any event every appeal must be considered on its own merits. The presence of other footway crossings in the area does not outweigh the harm that I have identified in relation to highway safety.
12. I acknowledge the aspirations of the Wantage Town Neighbourhood Plan to alleviate parking issues in the town. However, it is incumbent upon me to assess the merits of the proposal before me in respect of its impact upon highway safety. The benefits arising from providing off-street car parking are outweighed by the harm that I have identified.
13. As such I find that the proposal would be contrary to Policies DP16 and CP37 of the LP which, amongst other things, require the adequate provision for vehicle turning, new development to provide safe and convenient ease of movement and well-integrated car parking. It would also run counter to paragraphs 108 and 109 of the National Planning Policy Framework which, amongst other things, requires development to include safe and suitable access for all and which sets out that development should be refused where there would be an unacceptable impact on highway safety.

Conclusion

14. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR