The Planning Inspectorate

Appeal Decision

Site visit made on 23 March 2020 by Darren Ellis MPlan

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2020

Appeal Ref: APP/C3105/W/20/3244104
Land south of 1 Greystones Court, Kidlington, Oxfordshire
Grid Ref Easting: 448888, Grid Ref Northing: 214075

- 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 Barnaby Hewitt against the decision of Cherwell District Council.
- The application Ref 19/00634/F, dated 5 April 2019, was refused by notice dated 5 November 2019.
- The development proposed is a new dwelling.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. I have taken the site address from the appeal form as one was not included on the application form.

Main Issue

4. The main issue in the appeal is the effect of the proposal on highway and pedestrian safety.

Reasons for the Recommendation

5. Greystones Court is a private road that serves seven dwellings. The appeal site is an area of land to the south of No 1 Greystones Court, close to the junction with Lyne Road. The site is currently undeveloped and overgrown, and the proposal would see the erection of a dwellinghouse on the site.

6. Greystones Court is accessed from Lyne Road, close to the traffic light controlled junction between Lyne Road and Banbury Road. Lyne Road is predominantly lined with residential properties and has a 30mph speed limit. There is a pavement on either side of the road and double yellow lines along the road within the vicinity of the Greystones Court junction, excluding a parking layby for a number of cars on the opposite side of the road to the junction.

7. There is no dispute between the parties that the required visibility splay at the junction of Greystones Court with Lyne Road should be 43 metres in each direction. This could be achieved in a westerly direction, albeit part of that sight line appears to be across private land. Whilst noting the Council's concern in respect of this matter, I have no evidence before me to indicate that the current open nature of this verge would change in the future. Accordingly, I am satisfied that users of the access would be able to see other road users travelling in an easterly direction along Lyne Road, including pedestrians, and users of the road and pavement travelling east would be able to see a vehicle exiting the access of Greystones Court.

8. However, as a result of a brick wall pier, and the vegetation behind it, on the eastern corner of the access to Greystones Court, the required visibility splay to the nearside kerb to the left (east) cannot be achieved.

9. As a consequence, there is a high probability that users of Lyne Road travelling west, including pedestrians, cyclists and vehicles have little advance warning of vehicles exiting Greystones Court. Drivers of vehicles using the access from Greystones Court also do not have a clear view of activity on the pavement within the vicinity of the access or within the carriageway in an easterly direction, until their vehicle is within the highway. This situation and the increased use of the access as a result of the proposal is likely to result in conflict with users of the access and Lyne Road, including children and those with disabilities, and those vehicles which are likely to be travelling at speed as they pull away from the Banbury Road/Lyne Road junction, which may have to brake suddenly if a vehicle exiting Greystones Court was turning right into Lyne Road.

10. The appellant refers to a 2m x 2m standard set out in the County Council's Technical Support Data (TSD). Neither the appellant nor the Council have submitted this document in their evidence, however an excerpt of the document has been included in the submission from the local residents. The TSD states that a vehicle/pedestrian sight splay should give a clear 2m x 2m clear visibility above a height of 600mm. Given the presence of the brick wall and pier and their set back from the road, and on the evidence before me, I am not satisfied that such a sight splay could be achieved.

11. It is submitted that the required visibility splay in an easterly direction could be provided if it was measured to the centre line of Lyne Road. From the information before me, it appears that such visibility could be provided. However, Manual for Streets is clear that such an approach should be adopted only if vehicles approaching from the left are unable to cross the centre line.

12. In this case there is no road marking along the centre of Lyne Road in this location, or indeed a physical barrier which would prevent such a manoeuvre from occurring. Indeed, I observed that vehicles veered on to the opposite side of the road when a vehicle was parking or exiting the layby on the opposite side of the road and to avoid a bus that had stopped at the bus stop by Heyford Mead, almost opposite the junction with Greystones Court. This is likely to be a regular occurrence throughout the day and as such there would be a high probability that vehicles would be travelling on the wrong side of the road within the vicinity of the Greystones Court junction. I find therefore that measuring the visibility splay to the centre line of the road is not appropriate in this case.

13. I acknowledge that the proposed dwelling would result in a modest intensification in vehicle movements using the junction of Greystones Court and Lyne Road and note the absence of accidents at the junction in the last 20 years. However, I find that the increased use of this junction would exacerbate an already unsatisfactory situation and would cause harm to pedestrian and highway safety in Lyne Road, within the vicinity of Greystones Court.

14. I note the appellant's suggestion that overly generous sightlines can encourage higher vehicle speeds and that reducing visibility and using alignments would encourage motorists to drive more slowly. However, no substantive evidence is before me which demonstrates that vehicle speeds in the locality are low as a result of the existing situation, and I afford this matter limited weight in my consideration of this case. Moreover, it is noteworthy that whilst applying different standards in terms of the extent of the visibility splay required that a number of Inspectors[1] reached a similar conclusion to me in terms of the effect of the increased use of Greystones Court on highway safety.

15. Therefore, for the reasons above I conclude that the proposal would have an unacceptable impact on highway and pedestrian safety because a safe and suitable access to the site could not be provided for all users. The proposal conflicts with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 which requires, amongst other things that development is designed to deliver high quality safe places to live and work in. There would also be conflict with the safety objectives of the National Planning Policy Framework.

Other Matters

16. The location of the appeal site and its proximity to services is not in dispute, nor is the design of the new dwelling or its effect on nearby occupiers' living conditions. These matters however carry neutral weight in my consideration of the proposal. They do not either individually or cumulatively outweigh the harm identified or the conflict with local and national planning policy.

17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Greystones Court has been constructed in grounds that were previously part of the Grade II listed Greystones House. Given the proximity of the appeal site to Greystones House I consider that the appeal proposal would be within the setting of the listed building. The scale, design and materials of the proposed dwelling would be similar in scale and character to the listed building and the other dwellings in Greystones Court. As such, I find that the proposed dwelling would be in keeping with the character and appearance of Greystones Court and would preserve the setting of the listed building.

[1] Appeal refs. APP/5352/A/83/001503/PE4; T/APP/C3105/A/85/042355/P5; APP/C3105/A/02/1080738

Conclusion

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

R C Kirby

INSPECTOR