



Appeal Decision

Site Visit made on 31 March 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal Ref: APP/C3105/D/20/3262140

110 Lyneham Road, Bicester OX26 4FD

- 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 Nigel Satchell against the decision of Cherwell District Council.
 - The application Ref 20/01905/F, dated 14 July 2020, was refused by notice dated 12 October 2020.
 - The development proposed is described as, "To replace 7 kerb stones to drop kerb to provide direct access to the front of the property only".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown above is taken from the planning application form. It differs from that shown on the appeal form and decision notice. The latter identifies the proposed development as the 'formation of access and associated dropped kerb'. I have used this description in my consideration of the appeal since it best describes the proposed development in precise and concise terms. It does not fundamentally alter the development which is the subject of this appeal.

Main Issue

3. The main issue is the effect of the proposal on the safe use of the highway for pedestrians.

Reasons

4. The appeal site comprises a two storey detached dwelling located in a residential area. A paved driveway and a dropped kerb which covers some of the frontage lie adjacent to the footway. I observed that a hedge to the front of the driveway, shown on a photograph submitted by the appellant, has been removed. The appeal site is opposite a junction, where part of Lyneham Road continues.
5. The proposal would extend the existing dropped kerb to cover the entire frontage of the appeal site. Other dropped kerbs exist in the vicinity, and the proposal would be broadly similar in plot span to some of those. Nevertheless, I saw that the existing dropped kerb is connected to the dropped kerb at No 108 Lyneham Road, which also extends a fair distance across its frontage.
6. Considering this, the proposal would result in a very wide expanse of dropped kerb, increasing the area of footway that vehicles could traverse. This would

unduly hinder the ability of pedestrians to move to a safe place and be clear of vehicles coming and going from both the appeal site and its neighbours. The effect would be particularly dangerous for pedestrians with mobility problems, the elderly and children.

7. Thus, the proposal would be unacceptable in highway safety terms, particularly for pedestrian users. Consequently, it would conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (adopted 2015) which provides, amongst other things, that new development proposals should be designed to deliver high quality safe places to live and work in. The proposal would also conflict with paragraph 109 of the Framework¹ which sets out, amongst other things, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

8. I have noted the access difficulties highlighted by the appellant, and appreciate that the access proposed would provide a benefit in this regard. However, this benefit would mainly be of a private nature, and as such it has been given limited weight. In any case, the result of providing that benefit would result in harm to the safe use of the highway in the manner I have explained. My findings on the main issue do not therefore change.

Conclusion

9. For the reasons given above, the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

¹ National Planning Policy Framework 2019