



Appeal Decision

Site visit made on 7 June 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 14 June 2021

Appeal Ref: APP/V3120/W/21/3269677

Land to the rear of 1 & 2 Portway Cottages, Reading Road, East Hendred, Wantage OX12 8JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs T Hadler and Mrs S Benton against the decision of Vale of White Horse District Council.
 - The application Ref P19/V2630/O, dated 28 October 2019, was refused by notice dated 27 August 2020.
 - The development proposed is a pair of 2 bedroom semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved except access and layout. Possible floor plans of the dwellings were provided but these are only illustrative.

Main Issues

3. The main issues are:
 - whether the proposal would be acceptable in relation to highway safety; and
 - whether the layout of the proposal would result in poor quality design.

Reasons

Highway safety

4. The proposal is for a pair of semi-detached houses on underused garden land to the rear of Nos 1 & 2 Portway Cottages, part of a larger area of gardens now bounded by new housing estates to the east and west. The eastern estate also wraps around to the north, separating the area from the open countryside. Nos 1 and 2 form one end of a terrace of four houses facing the A417 Reading Road with the main part of the village on the other side of the road.
5. The site access is from a private roadway which runs north from the A417 to agricultural land beyond. The roadway also serves the parking/turning area for Nos 1-3 Portway Cottages which is situated behind their rear gardens.
6. However, visibility for vehicles egressing the roadway at the junction with the A417 is limited. The A417 is a busy two-way road which would require visibility

splays to the nearside kerb in both directions from 2.4 m back from the carriageway. The appellant claims visibility to the right would be 46 m if roadside vegetation is properly maintained¹ but this is not agreed by the highway authority (HA) who put the figure at 25.5 m. With the width of the verge to the front fence of the first property 'Lynwood' significantly less than 2.4 m, observation on site would suggest the HA's figure is correct and any wider splay would involve land outside the appellants' control. To the left the verge is even narrower with the HA putting existing visibility at just 8 m. This would however be increased to 40 m (61 m measured to the centre line) according to the appellant by setting back the front fences of Nos 1 and 2 as part of the scheme.

7. The appellants' transport statement argues that these figures are acceptable given the 43 m standard required for the prescribed 30 mph speed limit in the vicinity. However, a traffic speed survey carried out in November 2018 gave 85th percentile speeds of 37 mph in both directions, indicating that visibility of 58 m is required in both directions. As an A class road with flows in excess of 10,000 vehicles per day good visibility is essential. In the circumstances, with high traffic flows and actual measured speeds along the A417, the junction on the inside of a bend and the likelihood of vegetation encroaching onto the narrow verge to the west, even with an improvement to the east additional vehicle movements from two additional dwellings would increase highway safety risks. As there are no physical measures to prevent vehicles crossing the centre line, visibility to the east should be measured to the nearside curb.
8. Two new dwellings in this location would also be likely to lead to additional pedestrian movements across the A417 to access the services and facilities in the main part of the village via White Road. Whilst there are signal controlled pedestrian crossings both to the east and west, there are no footways along the northern side of the road leading to a hazardous walk along the narrow grass verge to reach the crossings or, more likely, crossing near the junction where the visibility of approaching traffic is poor. The nearest bus stops are also along the A417 just to the west. Whilst there is a circuitous route via the footpath link to Ludbridge Close and verge widening in front of Nos 1 and 2 would slightly improve matters, likely additional pedestrian movements across the road would be a further factor increasing highway safety risks.
9. Until incorporation into the adjacent estate, vehicle movements to and from Lynwood and its converted garage used the junction in addition to Nos 1-3 Portway Cottages. However, this beneficial reduction in movements does not justify the proposal given the highway safety concerns in this case.
10. For these reasons the proposal would not be acceptable in relation to highway safety and would conflict with Policies CP35 and CP37 of the Vale of White Horse Local Plan Part One 2016. These seek to ensure new development encourages walking to nearby facilities and provides safe and convenient ease of movement for all users. The proposal would also conflict with paragraphs 108 and 109 of the National Planning Policy Framework (NPPF) which require safe and suitable access to development sites and preclude proposals which would have an unacceptable impact on highway safety.

¹ Although the plan shows 56 m

Layout

11. The original application included a proposed layout with the semi-detached houses oriented north-south with parking spaces in front adjacent to the existing turning/parking area serving Portway Cottages. Although dwellings in this position with main windows facing south and north would not result in a significant loss of amenity to nearby occupiers, the layout in relation to car parking and turning was judged to be unduly cramped.
12. The layout was subsequently amended with the semi-detached houses oriented east-west facing the roadway with parking for the dwellings off the roadway on either side. The appeal statement from the HA raises a number of detailed concerns regarding this layout in addition to visibility at the A417 junction but these are not referred to in the reasons for refusal and are conjectural rather than proven.
13. The Council consider that with the dwellings in the position proposed any first floor east facing windows would overlook the rear garden of No 4 Portway Cottages adversely affecting the privacy of the occupiers. However, the garden is extensive and the area immediately behind the property where privacy is most important would not be affected. Whilst this would be acceptable, west facing windows of the southern dwelling would face the flank elevation of No 21D Portway Close from close quarters and first floor windows of the northern dwelling would overlook its rear garden from a few metres away. This would be unduly detrimental to the outlook from the southern dwelling and to the privacy of the occupiers of No 21D.
14. Although there would be problems with west facing windows, this falls under the reserved matter of appearance rather than layout. On the evidence at this stage it has not been convincingly proven that the layout as proposed would result in poor quality design and considering the conclusion in respect of the first main issue it is not necessary to be more definitive.

Conclusion

15. The proposal would provide two additional dwellings which would make a useful contribution towards local housing needs and offer social and economic benefits for the village. Whilst the proposed layout has the potential to result in an acceptable scheme the increased use of the roadway junction with the A417 and likely additional pedestrian movements across the road would adversely affect highway safety. This concern and the associated conflict with the development plan and NPPF is paramount and outweighs the benefits of the proposal.
16. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR