
Appeal Decision

Site visit made on 6 September 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/V3120/W/21/3272256

55 Bagley Wood Road, Kennington, Oxford OX1 5LY

- 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 Ben Goss against the decision of Vale of White Horse District Council.
 - The application Ref P20/V1917/O, dated 23 July 2020, was refused by notice dated 18 January 2021.
 - The development proposed is erection of a self-build dwelling and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The agent has advised that there is an error on the planning application form whereby the applicant's name was entered incorrectly. The appeal is being pursued by Mr Goss who is the co-owner of the site on the title deeds. I am content that the appeal can proceed in this name.
3. The application is submitted in outline with details of access provided for consideration. All other matters are reserved for future approval.
4. Following the Council's decision, a revised National Planning Policy Framework was published. The parties have had an opportunity to comment on the implications for the appeal.
5. The plans considered by the local planning authority included within the red lined boundary sections of roadside bank flanking the access onto Bagley Wood Road. The Transport Statement proposes alterations to these banks to improve visibility to the north and create a passing bay and short-term parking area to the south. However, the appeal is submitted on the basis of there being no changes to the banks as it is contended that such works are not necessary for a single dwelling. I have determined the appeal on that basis.

Main Issue

6. The main issue in this case is the effect of the proposal on highway safety on Bagley Wood Road.

Reasons

7. The appeal site comprises part of the rear garden to 55 Bagley Wood Road. The property has two driveway entrances onto Bagley Wood Road. These nominally create an In and Out arrangement, although it is not signed as such. The proposed dwelling would be served by the northern access which is significantly more constrained than the southern access in terms of visibility for drivers exiting the site. The northern access is adequate for the purposes of entering the property, but given the choice most drivers would opt to use the southern access for egress due to its superior visibility.
8. Occupants of the proposed dwelling would not have the option of which route to use. Drivers exiting the access would have a clear and unobstructed view of oncoming traffic across a raised grass verge to the south of the entrance. Visibility in this direction is acceptable. Although the Transport Statement proposes to cut back the verge to create a passing bay and short-term parking area, these works are not necessary to make the proposal acceptable. Visitor parking can be accommodated within the site itself and Bagley Wood Road is of sufficient width in the vicinity of No 55's southern access to provide temporary parking for delivery vans. There would be no conflict with Development Policy 16 of the Vale of White Horse Local Plan 2031 Part 2 (2019) insofar as it seeks to ensure that adequate provision is made for service vehicles.
9. Visibility to the north for drivers exiting the access is obstructed by a roadside bank. This bank makes a positive contribution to the character and appearance of the lane and may also contain roots belonging to a mature Holm Oak within the front garden of 53 Bagley Wood Road. The parties are agreed that the bank and tree are important features within the street scene and that engineering works to regrade the bank would be detrimental to the character of the lane. This view has also been expressed by local residents and I concur.
10. The access is an existing feature with no record of any collisions. On this basis, the appellant argues that it is suitable to serve a modest number of additional vehicle movements generated by a single dwelling. The lane is lightly trafficked and the narrow width and restricted forward visibility combine to keep speeds low. Survey data from a weekday morning peak recorded 4 southbound movements over the period of an hour, with average speeds of around 16 mph and an 85th percentile speed of approximately 18 mph. Applying Manual for Streets (MfS) guidance, this translates to a stopping sight distance of approximately 22 m.
11. The appellant concedes that visibility to the north is just 10 m. This is less than half of the distance recommended by MfS and is significantly substandard. The proposal would intensify the use of the access and thereby increase the risk of collisions. Although this is an existing access, there is no compelling evidence to demonstrate that it is routinely used as a means of egress, bearing in mind the existence of a safer and more convenient access at the southern end of the property frontage.
12. The suggestion is that drivers would edge their way out of the access until they can see an oncoming vehicle. However, by that stage their bonnet would be projecting well into the running carriageway. During my visit, I saw that other driveway entrances within Bagley Wood Road have substandard visibility in at least one direction. Regular users of the road will have learnt to be vigilant for vehicles exiting driveways blind. However, these are not reasons to justify the creation of an additional hazard.

13. I have considered the option of imposing a condition to secure regrading of the bank. However, as I have discussed above, the creation of a splay to the MfS visibility standard would cause significant harm to the street scene of Bagley Wood Road. Based on the information before me, I cannot be certain that engineering works would not cause irreparable harm to the root system of the Holm Oak. As such, I do not consider that a condition would make the scheme acceptable as it would harm the character of the area and thereby bring the scheme into conflict with Core Policies 33 and 37 of the Vale of White Horse Local Plan 2031 Part 1 (2016) (LPP1).
14. I have taken into consideration the appellant's offer of a condition to preclude the use of the northern access by the occupiers of No 55. However, for the reasons I have set out above I cannot be certain regarding current levels of usage of this access for means of egress. As such, the suggested condition would not make the scheme acceptable.
15. Accordingly, I conclude that the proposal would harm highway safety and conflict with Core Policy 37 of the LPP1 insofar as this seeks safe movement of road users without undermining the quality of places.

Conclusion

16. The proposal is acceptable in principle under development plan policy. The delivery of a single self-build dwelling would bring modest social and economic benefits. However, these benefits would be outweighed by the additional highway safety risk associated with the use of a substandard access.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR