



Appeal Decision

Site Visit made on 28 September 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/C3105/W/21/3278402

Wykham House, Wykham Lane, Broughton, Oxfordshire OX15 5DS

- 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 Stuart Cork against the decision of Cherwell District Council.
 - The application Ref 21/01083/F, dated 22 April 2021, was refused by notice dated 21 June 2021.
 - The development proposed is the creation of new driveway from Wykham Lane to existing car parking area of Wykham House - Removal of 4m of brick wall and build pillars to exposed ends. Remove grass bank from brick wall to road, install Marshalls permeable paving - scoop/blend edges of grass bank into permeable driveway - install cobble setts to join Wykham Lane to Marshalls permeable paving.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I have asked for further comments from the main parties and, where received, have had regards to these. The revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. The appeal site comprises a large red brick dwelling with garden area to the rear and to the front the site is bound by a red brick wall. Access is provided via an existing shared access to the west of the host dwelling from Wykham Lane. The site is located on a bend in the lane which has an unrestricted speed limit. Whilst there are no road markings, two vehicles are capable of passing with care. A number of accesses are located close to the appeal site.
5. At the time of my site visit a number of cars passed the site from both directions along Wykham Lane. I appreciate my site visit provided only a snap shot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that the levels of traffic would increase at peak hours when traffic is at its heaviest i.e. in the mornings and evenings when most people commute. I have noted the comments from the Council's highways officer who advised that the lane is used as a link between Broughton

and Banbury and is considered lightly trafficked with speeds between 40 and 50 mph.

6. The proposed development would create a separate access to Wykham House, which currently shares its drive with a neighbouring property, Broughton Grange. Whilst it is noted that the additional access is unlikely to increase the volume of traffic using the lane, the visibility splays of the proposed development would be considerably reduced compared to the existing access. Whilst the existing access is substandard in terms of visibility this does provide a better visibility than that proposed. I observed the existing poor visibility and consider that any reduction on this, as proposed, would result in significant restricted visibility of approaching vehicles. This would be significantly harmful to highway safety.
7. The appellant has identified that other accesses in the area have restricted visibility splays. However, I do not consider that this is adequate justification to exacerbate the risk to highway safety. The appellant has provided photographs of the existing and proposed accesses and they consider the proposal provides an improvement. However, these have been taken from the edge of the carriageway or from 1.5 metres into the proposed access. No evidence or details have been submitted to justify a reduction from the standards contained within Manual for Streets or The Design Manual for Roads and Bridges.
8. For the above reasons the proposal would be detrimental to highway safety. The proposal would therefore conflict with Local Plan¹ Policy ESD 15 which seeks to ensure that development is designed to deliver high quality safe, attractive, durable and healthy places. The proposal also conflicts with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

9. I have had regard to the personal circumstances outlined by the appellant and whilst I have given this careful consideration, I find that this factor is not sufficient to outweigh the harm identified.
10. The appellant has discussed the benefits of the scheme in terms of pedestrian safety for users of the nearby right of way that runs along the existing shared access and drive. Whilst there may be a small benefit due to a reduction in vehicles using the access, this does not overcome the overall harm I have identified with regards to highway safety.

Conclusion

11. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR

¹ The Cherwell Local Plan 2011-2031 – Part 1 (July 2015)