



Appeal Decision

Site visit made on 24 November 2021

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2021

Appeal Ref: APP/C3105/W/21/3279079

3 Bryony Road, Bicester, Oxfordshire OX26 3WY

- 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 Antony Allen against the decision of Cherwell District Council.
 - The application Ref 21/01387/F, dated 11 May 2021, was refused by notice dated 7 July 2021.
 - The development proposed is to increase the dropped kerb outside of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would have an unacceptable impact on highway safety.

Reasons

3. This property is on a typical suburban road in a large housing estate. At the time of my visit few pedestrians walked past the site. Moreover, outside No 3 Bryony Road was not heavily trafficked, with any cars and vans travelling slowly because of the vehicles parked at the kerbside, the speed calming measures, the proximity to the junction, and the residential nature of the area. Although I was at the site for only 30 minutes or so on a weekday morning, I have no reason to consider these observations were particularly unusual.
4. No 3 already has a double-width footpath crossing, which is next to a further footpath crossing serving the neighbouring house. The proposal would lengthen this crossing by some 4.6m (or 6 kerbstones).
5. Given the limited pedestrian and vehicular activity and the good level of inter-visibility between the 2, I consider those on the pavement would be well aware of drivers wishing to enter or leave No 3 and vice versa. As a result, while pedestrians may well have a long length of crossing without a refuge, this would not have an unacceptable impact on their safety.
6. However, although not offered as a reason for refusal in the decision notice, in its submissions the Council expressed a concern about the inadequate depth of the part of the forecourt to be accessed over the new crossing. As much of the forecourt at this point is no more than 3.6m deep, I consider it reasonable to assume that a standard car, if parked at right angles to the carriageway, would project by at least a metre or so over the pavement, and possibly more. This would mean that passing pedestrians, including those with mobility issues or

small children, could be forced to step out onto the carriageway. Even accounting for the limited and slow traffic flows on this part of Bryony Road, this would be an unsatisfactory consequence of the development that could unacceptably compromise the safety of drivers and pedestrians alike.

7. In coming to this view, I accept that the forecourt may well be able to accommodate a single vehicle satisfactorily if it was parked at an angle. It is difficult though to see how use of this proposed cross-over would allow that orientation of parking. However, even if it did, parking in that way is not something that can be controlled under planning legislation. As such, it is not a possibility to which I attach any appreciable weight.
8. I do not doubt the appellant's concerns about cars parking by his dwelling. I recognise too that, outside his house, cars may well park partly on the kerb at present, so restricting the pavement width. However, those are the choices of individual drivers, and neither the presence of such parking nor the extent of encroachment onto the pavement are certain. In contrast, it is reasonable to assume my concerns would arise as an inevitable consequence of the development before me. These points therefore do not justify the harm identified.

Conclusions

9. Accordingly, for the reasons given I conclude the proposal would cause unacceptable harm to highway safety. As such it would conflict with Policy ESD15 in *The Cherwell Local Plan 2011-2031 Part 1*, which seeks safe places to live that promote pedestrian movement, and the *National Planning Policy Framework*.

JP Sargent

INSPECTOR