

Appeal Decision

Site visit made on 14 February 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 FEBRUARY 2022

Appeal Ref: APP/G3110/D/21/3282307

46 Trinity Road, Oxford OX3 8LQ

- 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 Caroline Sarton against the decision of Oxford City Council.
 - The application Ref 21/01007/FUL, dated 7 April 2021, was refused by notice dated 15 June 2021.
 - The development proposed is for demolition of boundary wall to create vehicle entry to front garden, landscaping of front garden and installation of paving.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of boundary wall to create vehicle entry to front garden, landscaping of front garden and installation of paving at 46 Trinity Road, Oxford OX3 8LQ, in accordance with the terms of the application Ref 21/01007/FUL, dated 7 April 2021, subject to the conditions set out below:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in complete accordance with the approved plans: A001, A002, P001, P003, P004, P006 and P007.

Main Issues

2. The main issues are 1) Whether the proposed development would preserve or enhance the character or appearance of the Headington Quarry Conservation Area and the setting of Listed Buildings; 2) The sustainability of the site with specific reference to accessibility to Public Transport services and local supermarkets; and 3) Highway safety, with specific reference to vehicle manoeuvrability.

Reasons

Heritage

3. The appeal site is located within the Headington Quarry Conservation Area where the majority of existing boundary treatments comprise local stone walls, including to the perimeter of the Holy Trinity Church yard.

4. The section of wall that is to be demolished however is of red brick construction and in a poor state of repair, indeed it looks as if a vehicle has driven into it at some stage; it is located adjacent to an old concrete pre-fabricated building within the grounds of the Headington Quarry School. Both the principal school building and the Church are Listed Buildings.
5. With regard to the former Listed Building, aside from the intervening pre-fabricated building, there exists a small parking area and on the facing elevation a substantial modern extension. Taking this into account and the fact that the proposed access is on the opposite side of the host dwelling to the Church, and notwithstanding that the existing section of brick wall would be replaced by simple timber gates, I find that the proposal would not harm the setting of the Listed Buildings; and the character and appearance of the Conservation Area would be preserved.
6. I acknowledge that the proposal would also involve the laying of a permeable surface on which the appellant intends to park a car; and quite clearly this would result in the loss of some soft landscaping within the garden, but notwithstanding the fact that the site is located within a Controlled Parking Zone, parked cars and other vehicles are not an uncommon feature within the locality. Consequently I consider there would be no harm stemming from the proposal to any designated heritage assets.
7. I therefore find that the proposal complies with Section 16 of the National Planning Policy Framework and would not conflict with either Policy DH1 or Policy DH3 of the Oxford Local Plan 2036 (OLP) which together require developments to be of a high quality design whilst protecting designated heritage assets and their settings.

Sustainable Access

8. The appeal site falls within a Controlled Parking Zone (CPZ) and for residential developments OLP Policy M3 states that in such areas where development is located within a 400m walk to a frequent Public Transport service and within 800m to a local supermarket, planning permission will only be granted for residential development that is car free. Clearly this proposal relates to an existing dwelling, as opposed to new residential per se; and whilst the Council stipulate that the site is in a highly sustainable location with good access to Public Transport, this has not been substantiated. The appellant has highlighted that the closest bus routes are approximately 800m walk from the appeal site with supermarkets being over 1km. I have been given no reason to doubt these figures and therefore in the absence of any evidence to the contrary, I consider that there is no conflict between the proposal and OLP Policy M3.
9. Therefore notwithstanding the fact that the dwelling does have an additional parking space to the rear, there is nothing in the evidence before me to demonstrate that the proposal would increase private car ownership. Further, whilst I fully acknowledge the Council's desire to seek a modal shift away from the private car, in this instance I consider that the proposal would not be detrimental to the aims and objectives of the OLP.

Highway Safety

10. The Local Highway Authority stated that the location and accessibility of the space itself were a cause for concern and that vehicle tracking should be provided to demonstrate that a family size vehicle could enter and exit the site in a safe manner, therefore they issued a holding objection pending the submission of a Swept Path Analysis.
11. The Swept Path Analysis that has been provided by the appellant does not take into account the lay-by parking located opposite; however I consider that one could easily turn their vehicle around by the Church, either following reversing out of the proposed space or prior to reversing in to it. I also note that the Headington Quarry residential area is the subject of CPZ parking restrictions, therefore aside from the designated 2 hour limited bays outside the Church, a vehicle parked in other areas between 09:00hrs and 17:00hrs Monday to Friday is at risk of receiving a Fixed Penalty Notice.
12. I accept that the subject dwelling already has a parking space towards the rear which is accessed via a gateway through the side boundary wall, however I have been provided with no policy basis which demonstrates that in principle the provision of an additional space is unacceptable. On this matter I therefore find that the proposal would not give rise to harm to highway safety and I find the proposal complies with OLP Policy RE7 that stipulates that planning permission will only be granted for development that, amongst other things, does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network.

Other Matters

13. I note the third party concern with regard to the potential for the removal or severe pruning of the holly tree to the right of the proposed new entrance. However the Council's Tree Officer considered that the proposal should not harm the viability any trees that are significant for public amenity value and I have been given no substantive reason to come to a different conclusion on this.

Conclusion and Conditions

14. For the reasons set out above and having regard to all other matters raised, including those from third parties, I conclude that the appeal should succeed.
15. Other than the standard time limit condition, the Council recommends that a condition is imposed that requires the development to be carried out in accordance with the approved plans. In the interests of the character and appearance of the area, I consider that this condition is necessary. However, it would be unnecessary to impose a condition that requires the materials to be used in the construction of external surfaces of the development to match those used in the existing building due to the fact that they do not relate to an extension to it. Furthermore I consider, bearing in mind the submission of the Swept Path Analysis, it is not necessary to impose the Council's suggested fourth condition.

C J Tivey INSPECTOR