



Appeal Decision

Site visit made on 14 April 2022

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 24 May 2022

Appeal Ref: APP/V3120/W/21/3289741

Electricity Sub Station 10m from 2a, Westfields 9m From Westfields, Westfields, Abingdon, OX14 1BA

- 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 S Akinbile against the decision of Vale of White Horse District Council.
 - The application Ref P21/V1153/O, dated 16 April 2021, was refused by notice dated 22 July 2021.
 - The development proposed is described as 'A erection of two storey, two bedroom dwelling with one off street parking'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was made in outline, however, the application form indicates that all reserved matters were sought. I have determined the appeal accordingly.
3. The updated version of the National Planning Policy Framework (the Framework) was published in July 2021, two days prior to the date of the Council's decision notice. References to paragraphs of the Framework in the Council's reasons for refusal appear to relate to the previous version of the Framework, albeit these were not the sole reason for refusal of the appeal scheme. Additionally, the submission of appeal statements for both main parties and comments from interested parties all postdate the publication of the new Framework. Therefore, I am satisfied that all parties have had the opportunity to consider the changes to the most recent version. I have proceeded with reference to the 2021 Framework in my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety

Reasons

Character and Appearance

5. The appeal site comprises a corner plot located at the junction of Westfields and Spring Gardens. The plot is currently an open grass verge located between the highway and the side of a sizeable, detached dwelling (2 Spring Gardens).
6. The surrounding area is residential in nature and contains primarily detached or semi-detached dwellings. For the most part, the dwellings in the immediate area do not have a consistent style of design. However, a common feature is that they tend to be of a generous size and sited within relatively sizeable plots, typically set back from the highway. Although some houses are sited quite close together, the general scale and layout of buildings achieves a spacious character.
7. The proposed dwelling would be located on a tight, narrow plot. Due to the limited scale of the plot, the proposed dwelling would be narrow in width and appear smaller than the majority of the nearby dwellings. There would be very limited separation between the proposed development and the side elevation of 2 Spring Gardens. Similarly, the western side elevation of the proposal would also be sited in very close proximity to the adjacent public highway; significantly closer than the prevailing distance for most existing houses nearby. Together these factors would combine to make the proposal appear as a cramped form of development.
8. This cramped and rather contrived appearance would be further accentuated due to its prominent corner location and the substantial scale of the adjacent property 2 Spring Gardens. The proposal would therefore appear at odds and out of context with its surroundings.
9. The appellant has sought to take design cues from the neighbouring property (No. 2), for example, the use of matching materials and seeking to maintain a consistent ridge height. However, these aspects do not overcome the fundamental concern that the scale and appearance of the scheme do not represent a suitable form of development.
10. Whilst reasonably localised in its extent, the effect of the scheme would be to unacceptably harm the character and appearance of the area. Accordingly, the development conflicts with Core Policy 37 of the Vale of White Horse District Council Local Plan 2031 Part 1 'Strategic Sites and Policies' (LLP1) (adopted December 2016) and the Council's adopted Design Guide Supplementary Planning Document (SPD) (adopted March 2015). Together, the policy and guidance, amongst other matters, seek for new development to be of a high-quality of design that responds positively to its surroundings. It would also be contrary to the principles within Chapter 12 of the Framework, that seek for development to be of a good design sympathetic to the local area.

Highway Safety

11. From the submitted plans it is unclear whether the proposed rear parking space would have a right of access to the public highway. Nevertheless, even if the parking space were to have a right of access, its size and layout would not comply with Oxfordshire County Council's 'Parking Standards for New Developments', which are required to be met under Core Policy 35 (CP35) of the LPP1.

12. The limited size of the parking space alongside its positioning relative to the proposed dwelling and road would make the parking of a motor vehicle a difficult and impractical manoeuvre. Additionally, the plans show a 2m high wall/fence to be located around a significant portion of the proposed parking space. This has been put forward to ensure that the occupiers of the proposed development would have access to private amenity space. The height of the proposed wall/fence and its relationship with the on-site parking space is such that it is likely to hinder a driver's visibility if egressing from the site. The impact on visibility has the potential to be particularly harmful for a vehicle reversing out of the site. This is because of the distance that a vehicle would likely need to reverse into the public highway before having sight of pedestrians or vehicles.
13. The appellant has not provided any details of proposed visibility splays which indicate that sufficient sight lines could be achieved for users of the parking space. Inadequate information has therefore been provided to demonstrate that the proposed parking space would not result in a detrimental effect on highway safety.
14. I have considered imposing conditions relating to the provision of visibility splays and alternative parking arrangements. However, based on the evidence before me and the observations I made on site, I am not satisfied that concerns I have regarding these matters could be adequately addressed without fundamentally impacting upon the scheme's overall design. Therefore, such conditions would not be reasonable.
15. Consequently, based on the information before me, the proposal fails to accord with Policies CP33, CP35, and CP37 of the LPP1 or Development Policy 16 of the Vale of White Horse District Council Local Plan 2031 Part 2 'Detailed Policies and Additional Sites' (adopted October 2019). Together, these policies, amongst other matters, seek to ensure that new development is delivered with adequate parking arrangements and promotes safe movement for all users. Similarly, the proposal does not comply with Paragraph 110 b) of the Framework as it has not been demonstrated that the development would ensure safe and suitable access for all users.

Other Matters

16. The delivery of a new house would make a limited but beneficial contribution to the supply of housing in the area. It would also be capable of providing a variety of other modest social and economic benefits associated with the development of a new home. However, I do not consider these benefits would outweigh the harm that I have identified.
17. The appellant has raised that the Local Plan is out-of-date having been prepared in 2016, prior to the updated Framework. However, from the evidence before me, I have found the policies relevant to this appeal to remain in general conformity to the Framework. Similarly, I have not found the Council's adopted transport policies to be contradictory in nature.
18. The appellant has alluded to the Council not having a five-year housing land supply (5YHLS) but has not provided any meaningful evidence to support this. Conversely, the Council states it has a 5-year supply of deliverable sites as demonstrated by its latest housing land supply statement (June 2021). Based on the available evidence, I have no reason to believe that the Council cannot

demonstrate a 5YHLS. Even if a 5YHLS could not be demonstrated, and Paragraph 11 of the Framework were to be engaged, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits, when assessed against the Framework as a whole.

19. Finally, the appellant contends that the proposal accords with many other development plan policies and various aspects of the Framework. However, this does not overcome the proposal's harm or conflict with the development plan as a whole, as previously detailed.

Conclusion

20. For the reasons given above, the appeal scheme would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Lewis Condé

INSPECTOR