



Appeal Decision

Site visit made on 5 April 2022

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/D3125/W/21/3283650

25 Foxwood, Aston, Bampton OX18 2DZ

- 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 Ali against the decision of West Oxfordshire District Council.
- The application Ref 21/01588/FUL, dated 29 April 2021, was refused by notice dated 5 August 2021.

The development proposed is the subdivision of existing dwelling to create two dwellings, works to include erection of two storey side extension and single storey rear extensions along with the provision of bin storage and accessible off street parking to both dwellings.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development was amended during its consideration by the Council. As such, I have taken the description of development from the Council's decision notice as this more accurately describes the development subject of the appeal. It has also been used on the appeal form. I have proceeded on the basis that my use of this description would not prejudice either main party or their respective cases in regard to it.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to parking.

Reasons

4. The appeal site comprises a two-storey end of terrace dwelling, located on the west side of Foxwood, a cul-de-sac. It is of similar design and form to properties within the wider terrace and is set back from the highway behind a front garden and drive. The property benefits from a further parking space to its side.
5. At the time of my visit to Foxwood several cars moved in and out of the cul-de-sac. A parking area is located opposite the site, however during my visit this was full and many cars were parked on the highway. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that levels of traffic would increase when people returned from work and school in the evening.

6. The proposal seeks to extend and subdivide the existing dwelling to create two one-bedroom dwellings. The original scheme was altered from two two-bedroom dwellings due to concerns raised by the Council that only 2 parking spaces were provided. I note that the Council maintain that 2 parking spaces should be provided as there is space within the dwelling for an additional room, however the plans I have before me detail two one-bedroom dwellings. As such, in line with the Oxfordshire County Council Residential Road Design Guide (2003) – Second Edition (2015) (RDG) one parking space should be provided per bedroom.
7. The submission details that two parking spaces would be provided, one in front of each dwelling. The parking spaces would be within the site but parallel to the road. Given the overall size of the available space, and based on all I have seen and read, I am unconvinced that a vehicle could manoeuvre within the space, particularly if one vehicle is already parked there. Both the RDG and Manual for Streets require parallel parking spaces to measure 6 metres in length, with the proposed spaces only measuring 5 metres. Vehicles would need to reverse into the site which would lead to vehicles slowing, stopping and manoeuvring across a pavement in reverse gear. This would be detrimental to the free flow of traffic along the road and to pedestrian safety. Reversing out of the space into the road, a situation where the driver's visibility would be limited, would be hazardous to both pedestrians and other road users.
8. As the proposed parking spaces would be difficult to access it is likely that cars would try and park in the highway. The area already suffers from parking pressures and this this would necessitate additional parking elsewhere, thereby increasing on-street parking pressures and subsequently further hindering effective traffic flow.
9. My attention has been drawn to examples of nearby dwellings which have parking spaces to the front. These examples differ considerably from the proposal in that they are parked perpendicular to the road and would not require considerable manoeuvring within the pavement for access. However, there are no details before me as to whether these parking have been granted planning permission. Moreover, I have determined this appeal on its own merits and the visibility of the road in this location is a factor which has been taken into account. Accordingly, they do not justify the appeal proposal.
10. I have had regard to the appellants submission that two cars park on the site currently, however this appears to be in tandem to the side of the existing dwelling. Due to the proposed extension, cars would no longer be able to park next to the dwelling. Additionally, it appears that the depth of the front garden/parking area is only 4 metres, as such any cars parking perpendicular to the dwelling would likely overhang the pavement, causing a potential obstruction to the detriment of pedestrian safety.
11. For the above reasons, the appeal scheme would harm highway safety. It would therefore conflict with Policies OS2, H6 and T4 of the West Oxfordshire Local Plan 2031 (2018) (LP) and the guidance contained within the RDG which collectively seek to ensure, amongst other things, that development proposals provide a safe vehicular access and do not harm pedestrian safety. The proposal would also conflict with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matter

12. Neither party has raised concerns over the effect of the proposed development on the Acton Conservation Area (CA). I do not object to the design of the built elements of the scheme in the context of the wider CA and I agree that, in terms of the main issue of the appeal, the provision of parking spaces in the arrangement proposed (given the surrounding residential context) would have a neutral effect on, and therefore preserve, both the character and appearance of the CA.

Conclusion

13. The proposal would conflict with the development plan. There are no material considerations worthy of sufficient weight, including the approach of the Framework, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Tamsin Law

INSPECTOR