



Appeal Decision

Site visit made on 24 May 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2022

Appeal Ref: APP/G3110/W/22/3292041

1 Burton Place, Oxford OX4 2RQ

- 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 Rupert Barker against the decision of Oxford City Council.
 - The application Ref 21/01497/FUL, dated 26 May 2021, was refused by notice dated 25 August 2021.
 - The development proposed is for the removal of the existing garage. Construction of 2-storey extension to create a new 2-bedroom dwelling. Construction of new vehicular access and dropped kerb
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on parking and highway safety, and the character and appearance of the area.

Reasons

Parking and highway safety

3. Burton Place, and the adjoining Fletcher Road, are within a Controlled Parking Zone (CPZ), where signs confirm that permits are required to park between 0830 and 1700 Monday to Friday. Due to the width of the residential roads in the immediate area, as well as the high number of driveways and crossovers, on street parking availability is limited around the site. At the time of my visit (10.30am on a Tuesday) the on-street parking was at a reasonable level of occupancy, but it is likely that overnight and at weekends, parking demand in the area would be much higher.
4. Policies M3 and RE7 of the Oxford Local Plan 2020 (LP), amongst other things, seek to promote a sustainable pattern of development, reducing dependence on the private car and managing on street parking demand. The supporting text in paragraphs 7.23 and 7.24 state that limiting the opportunities for parking within the city helps to reduce car use leading to reductions in air pollution, congestion and the creation of a more attractive environment for walking and cyclists. The Council may refuse planning permission for development where additional parking pressures arising from the development would restrict the ability of existing residents to park.
5. Policy M3 of the LP specifically states that in CPZs, where development is located within a 400m walk to frequent public transport services and within 800m walk to a local supermarket or equivalent facilities, planning permission

will only be granted for residential development that is car-free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. The footnote (*) of Appendix 7.3 also states '*Any parking provided on plot to be excluded from a permit for any future CPZ and only 1 permit to be provided per dwelling on street where not provided on plot.'

6. Policy RE7 of the LP states planning permission will only be granted for development that does not have unacceptable transport impacts affecting neighbours and provides mitigation measures where necessary to protect existing on-street parking from the impact of the development.
7. The application proposes a 2-bedroom dwelling, and the proposed block plan shows parking provision for two spaces on the site to serve the existing and proposed dwellings. Due to its distance from frequent public transport, the site would be considered as an 'all other locations'. The proposed spaces would comply with the maximum parking standards set out in Appendix 7.3. The Council state that if the proposal was acceptable in all matters, a condition would be imposed to restrict the occupants of the new dwelling from obtaining parking permits to protect existing on-street parking from the impact of the development.
8. In light of the above, I have considered a pre-occupation condition to exclude the occupiers of the proposed dwelling from obtaining a residents parking permit. However, the Council have indicated that the Highways Authority, not the Local Planning Authority, control the changes to the Traffic Regulation Order (TRO), and the appellant would have to contribute towards the cost of amending it. Furthermore, in my view, the address of the proposed property would need to be known and provided to the Local Planning Authority to ensure it can be removed from the TRO. As such, without the address, or a way to amend the TRO via the Local Planning Authority, the condition is imprecise and not reasonable. Furthermore, a condition should not be used to require the payment of money, this should only be secured through a planning obligation.
9. Consequently, as a pre commencement condition cannot be agreed, and as I do not have a planning obligation before me, there is no mechanism available to ensure that the proposed dwelling would remain 'parking permit free'. Failure to restrict the proposed dwelling from obtaining a permit would contribute to parking stress on the surrounding streets. In turn, this could adversely affect highway safety as individuals may indiscriminately park, which on a narrow residential road can restrict visibility and manoeuvrability to the detriment of highway safety. I have also not been presented with evidence that would lead me to conclude that divergence from Policies M3 and RE7 of the LP can be justified and would not lead to harm.
10. Accordingly, the proposed development would be contrary to the requirements of Policies M3 and RE7 of the LP by failing to comply with the maximum parking standards and providing mitigation measures to protect existing on-street parking from the impact of the development.

Character and Appearance

11. The appeal site is the side garden of an end of terrace residential property, situated on a corner between 1 Burton Place and Fletcher Road. The dwellings

on Fletcher Road and Burton Place are a mix of semi-detached and terraced dwellings, which are similar in appearance and finish. The properties are set behind a mix of front gardens and driveways, which are open with very few walls or fences. The consistent appearance of the dwellings and the openness to the front of the properties results in a pleasant character and appearance to the area.

12. The side garden of 1 Burton Place comprises grass with a detached garage, a hard standing and a brick wall to the rear. The side garden is not particularly wide, but the shape of the junction forms a front garden that is not only open but appreciably longer than most in Burton Place. The more generous front garden area and the lack of walls or fences is significant to the openness at the corner, which positively contributes to the character and appearance of the area.
13. The proposal would be consistent with the terrace form, the set back and building line present on Burton Place. Furthermore, the dwelling has a scale, height and finish, which would be sympathetic to the appearance of the majority of dwellings in the immediate locality. Although the dwelling would extend into the side garden, a sufficient set back from Fletcher Road is maintained and the proposed front garden and driveway is open and a generous size. As such, the proposal would respect the pattern of development in the area and would not appear cramped or adversely impact on the openness at the corner, which positively contributes to the character and appearance of the area.
14. Furthermore, the appellant has provided examples of dwellings and extensions, predominately at corner locations within the area¹. Although the full details of all these cases were not provided as evidence, during my site visit I observed the property built opposite at 34 Burton Place. The property has a similar scale and design as well as relationship to Burton Place and Fletcher Road as the proposal subject of this appeal. In my judgement, the property opposite does not appear cramped, and the open character and appearance of the area has not been unduly eroded by the siting of the dwelling on the corner. The impact of the proposed development on the character and appearance of the area would not be dissimilar.
15. Therefore, I find that the proposal would not cause unacceptable harm to the character and appearance of the area, complying with the criteria set out in Policies DH1 and G6 of the LP. Policy DH1 of LP sets out a requirement for high quality design that creates or enhances local distinctiveness. Policy G6 of the LP states new dwellings on residential garden land should respond to the character and appearance of the area, and the plot to be developed should be of a sufficient size to accommodate the proposal. The proposed development would also comply with the general design policies and aims of the National Planning Policy Framework.

Other Matters

16. I have had regard to the Council's position that previous extensions and dwellings approved within the area were determined several years ago and

¹ Examples at 34, Burton Place (ref 00/01776/ful), 2 Yeats Close (ref 19/01124/FUL), 11 Fletcher Road (ref 88/00948/NF), 1 Yeats Close (ref. 79/00479/A_H) 20 Cranmer Road. (Ref 05/01252/ful) 21 Fletcher Road (Ref 0/02373/ful)

were not subject to the same up-to-date design policies. Be that as it may, there are many parallels to the development opposite and in arriving at my conclusion, I have had regard to the development at 34 Burton Place and its impact upon the character and appearance of the area when making my assessment. However, it should be understood that a number of the other extensions and dwellings highlighted by the appellant were not comparable in design or context and were afforded limited weight in my assessment.

Conclusion

17. Whilst I find no harm to the character and appearance of the area, this is a neutral effect and does not outweigh the impact of the development on parking and highway safety. Accordingly, the proposed development is contrary to the aims of the development plan policies set out above.
18. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR