
Appeal Decision

Site visit made on 12 July 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/C3105/W/21/3287785

37 Hertford Close, Bicester OX26 4UX

- 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 William Skinner against the decision of Cherwell District Council.
 - The application Ref 21/02909/F, dated 23 August 2021, was refused by notice dated 25 October 2021.
 - The development proposed is the erection of 1 dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 dwelling at 37 Hertford Close, Bicester, OX26 4UX in accordance with the terms of the application Ref 21/02909/F, dated 23 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BHD-0118 P100 B (proposed site and location plans) and BHD-0118 P101 A (proposed plans and elevations), except in respect of the additional car parking space shown on plan BHD-0118 P100 B (proposed site and location plans).

Preliminary Matters

2. Application Ref 21/02909/F follows both a successful application for a dwelling here in 2016, and an unsuccessful proposal for a dwelling in 2021 (Ref 15/02317/F and 21/02218/F respectively). Falling within an established residential area close to Bicester North and reflecting a similar form and design to relatively modern dwellings nearby, Cherwell District Council (the Council) have no in principle objection to the proposal (as opposed to the appropriateness of parking provision).
3. I understand in response to the unsuccessful 2021 scheme, the appellant has proposed one additional car parking space associated with the proposal before me (as shown on plan P100 Issue B annotated 'Hertford Close – Parking Spaces Photo'). The Local Highway Authority, Oxfordshire County Council (OCC), acknowledge that a single parking space would be adequate to serve the needs of the dwelling proposed on account of its location set out above. However, OCC have set out, including via providing a highway record plan of the area, that 'ownership of the land for the [proposed] space is uncertain.'

4. There is nothing definitive before me from the appellant in that respect, or clarifying that they would practically be able to effect the proposed parking space regardless of ownership. Consequently, I have determined the appeal on the basis that no dedicated parking provision would be made in association with the dwelling proposed (which is the argument made in the appellant's statement of case).

Policy Context

5. Amongst broadly seeking to ensure that development complements and enhances the character of its context, Policy ESD15 of the Cherwell Local Plan (adopted 2015)¹ sets out how development should 'demonstrate a holistic approach to design of the public realm to create high quality and multi-functional streets and places that promote pedestrian movements and integrates different modes of transport, parking and servicing.' Policy ESD15 does not set parking standards and I note that OCC have set out at appeal that 'OCC does not currently have adopted parking standards'.
6. Paragraphs 110 and 112 of the National Planning Policy Framework (the Framework) similarly, and in summary, guide that development should provide safe and suitable access to the site for all users, minimising the scope for conflicts between pedestrians, cyclists and vehicles. Paragraph 111 of the Framework indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Main Issue

7. Against the background above the main issue is whether the lack of dedicated parking provision associated with the proposal would be acceptable or not.

Reasons

8. The appeal site is located within Hertford Close, in a built-up residential area of Bicester. Within Hertford Close car parking provision is predominately on-street, either within one of the banks of parking areas or parallel to the pavements. Excepting the 'disabled' spaces, individual parking spaces are not demarked. Nor are spaces allocated to individual properties.
9. The appellant suggests that within Hertford Close there is space for 64 vehicles to be parked on-street, in addition to 5 parking spaces in front of garages and 2 off street parking bays. The Council do not specifically dispute these figures, and from my observations on site I have no reason to doubt the appellants claim regarding the number of parking spaces potentially available. A parking survey has been submitted. Surveying was undertaken on 2 dates, one midweek and one on a Saturday. The number of spaces available were counted at approximately 2 hourly intervals between 08:00 and 19:00 on each of the days. From a total of 64 spaces, it was found that between 27 and 38 spaces were available during the periods assessed.
10. In the absence of any compelling evidence to the contrary, I accept the findings of the parking survey which demonstrate that there is a good level of on-street car parking capacity within Hertford Close. I also saw at the time of

¹ The Cherwell Local Plan 2011-2031 Part 1, adopted 2015

my site visit, albeit a snapshot in time, that there was reasonably good parking availability in the surrounding area.

11. Oxfordshire County Council have confirmed that it does not currently have adopted parking standards, and I have not been provided with details of any parking standards adopted by Cherwell District Council. Notwithstanding this, and despite the site being well located in relation to access to services, facilities and public transport links, at pre-application stage the appellant was advised by a Cherwell District Council Planning Officer that 'one allocated parking space would be required'. Even if a single car parking space were required, I consider that there is sufficient on-street parking capacity within Hertford Close to meet any such need.
12. For the reasons set out above, there is adequate provision for on-street car parking within Hertford Close to serve the proposed development. As such, there is no basis to conclude that the proposed development would pose an unacceptable highway safety risk. Accordingly, in this respect, I find no conflict with the requirements of Policy ESD15 of the Local Plan or paragraphs 110 or 112 of the Framework.

Conditions

13. The Council requests that 3 conditions be imposed. The first two are the statutory conditions which specify the time period for the implementation of the permission and to identify the plans to which the permission relates. In this case I deem it necessary to amend the wording of the 'plans' condition to omit the off-site car parking space which is not achievable within the scope of the planning permission. The Council have also suggested a condition to secure on site car parking provision for one car. For the afore-mentioned reasons, such a condition would not be either necessary or reasonable.

Conclusion

14. For the reasons given above and having regard to the development plan as a whole and other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions above.

V Simpson

INSPECTOR