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# Appeal Decision

Site visit made on 23 May 2022

**by Robert Parker BSc (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 August 2022**

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**Appeal Ref: APP/D3125/W/21/3288685**

**Land to the rear of 14 and 15 Worcester Road, OX7 5XX**

- 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 Robin Scotter against the decision of West Oxfordshire District Council.
  - The application Ref 21/02515/FUL, dated 18 July 2021, was refused by notice dated 14 September 2021.
  - The development proposed is erection of detached dwelling house.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The above site address is taken from the application form. However, I note that the location has been described on the decision notice as Land off Toy Lane, Chipping Norton, Oxfordshire. This is more accurate.

## Main Issues

3. The main issues are:
  - a) the effect of the proposal on the character and appearance of the area;
  - b) the effect on the living conditions of the occupiers of 16 Worcester Road, with particular reference to privacy; and
  - c) the effect on highway safety on Toy Lane and Worcester Road.

## Reasons

### *Character and appearance*

4. The appeal site was historically part of the rear gardens belonging to Nos 14 and 15 Worcester Road. The land adjoins Toy Lane, one of a number of lanes which extend southwards from the A44 Worcester Road. Toy Lane contains a mixture of dwellings which are mostly set within spacious plots. The character here is semi-rural, in direct contrast to the main road which has a built-up frontage. The entrance to Toy Lane is between Toy House and 14 Worcester Road; these properties frame attractive views of countryside at the base of the lane. The dwellings in the lane are largely screened by vegetation, notably the dense roadside hedging which flanks the lane for much of its 150 m length.

5. The proposed dwelling would occupy a prominent site at the northern end of Toy Lane. The plot is shallow and in overall size terms it is considerably smaller than others in the lane. The two-storey building would extend the full depth of the site, leaving a margin of 1 m to the lane itself. The land to the north would be taken up by car parking and the area to the south by a modest garden. Due to its scale and mass, and proximity to the carriageway, the building would be dominant and visually intrusive in views along the lane. The development would appear cramped and its layout would fail to complement the low density pattern of housing behind the Worcester Road street frontage. Furthermore, the dwelling would be unattractive by reason of its imbalanced fenestration and lack of appropriate detailing. This lends weight to my conclusion that the proposal would cause material harm to the character and appearance of the area.
6. Amongst other things, Policy OS2 of the West Oxfordshire Local Plan 2031 (WOLP) stipulates that development should form a logical complement to the existing scale and pattern of development and/or the character of the area. Policy OS4 of the WOLP states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings. Having regard to my assessment above, I consider that the proposal would conflict with these policy requirements.

#### *Living conditions*

7. The proposed dwelling would be sited adjacent to the boundary with the rear garden to 16 Worcester Road. The building would have three first floor windows in the west elevation facing towards the neighbour. Two of these would be bedroom windows whilst the third would serve a bathroom. At ground floor there would be a high level window providing additional light to a living room.
8. No 16 occupies a long, narrow plot and the proposed dwelling would face onto the rearmost part of its garden. This area is already visible from the upper floor windows in Nos 14-18 Worcester Road. However, those views are at a distance and they are part of a wider vista across gardens and towards the countryside beyond. By comparison, the proposed development would be more intrusive, affording direct and close range views into the neighbouring garden. The occupiers of No 16 currently have a choice over how they use the different parts of their garden, but that choice would be dictated by the proposed development due to its significant adverse effect on privacy.
9. I therefore conclude that the proposal would introduce an unacceptable level of overlooking. This would lead to conflict with Policies OS2 and OS4 of the WOLP insofar as these seek to ensure that development does not harm the use or enjoyment of land nearby, or the amenity of existing residents.

#### *Highway safety*

10. Toy Lane is a single track, private road serving approximately nine dwellings. The lane has no footways or lighting and it is a no through road, meaning that traffic moves in both directions. The lane varies in width but there are few, if any, places for vehicles to pass without having to enter a private driveway to do so. In most places, there is inadequate width for a vehicle to easily pass a pedestrian or cyclist. The lane also lacks any formal turning area.

11. The appellant contends that the proposal would not result in a material increase in traffic movements, on the basis that the site already accommodates parking for three vehicles and two of these spaces would simply be reallocated to the new dwelling. Even if this were the case, and the evidence does not convince me on this point, the existing parked vehicles for 14 Worcester Road would be displaced onto the verge and footway on the north side of Worcester Road. This would create an additional hazard for pedestrians.
12. In all probability, the development would generate additional service and delivery vehicle movements. The lack of adequate turning facilities means that such vehicles would be forced to reverse out of Toy Lane onto Worcester Road, with the consequent risk of collisions occurring on this classified road. The fact that there have been no personal injury accidents in the locality over the past ten years does not persuade me that the proposal is acceptable.
13. The plans show a new passing place and pedestrian refuge area which the appellant argues would be a significant benefit of the scheme. There can be no guarantee that this area would not be used for casual visitor parking but in any event the swept path analysis in the appellant's Technical Note suggests that the dimensions of the passing bay would make it difficult to use, reducing its effectiveness.
14. I conclude that the proposal would lead to an intensification in the use of a substandard lane which would be detrimental to the safety and convenience of existing road users, including pedestrians. There would be conflict with Policy O2 of the WOLP insofar as it requires development to provide safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The proposal would have an unacceptable impact on highway safety and it would fail to achieve safe and suitable access to the site for all users, contrary to the requirements set out in paragraphs 110 and 111 of the National Planning Policy Framework (the Framework).
15. The decision notice cites Policies T3 and T4 of the WOLP. There would be some conflict with Policy T3 inasmuch that the proposal would act as a deterrent to pedestrian activity by increasing traffic movements. However, the proposal would comply with the Council's maximum parking standards and as such there would be no conflict with Policy T4.

### **Planning Balance and Conclusion**

16. The appellant does not contest the Council's housing land supply position and I have seen no evidence to indicate that paragraph 11 d) of the Framework should be engaged. The proposal would conflict with the development plan by causing harm to the character and appearance of the area, neighbour living conditions and highway safety. The combined harms would outweigh the benefits of delivering an additional dwelling in one of the District's main settlements. Consequently, I find that there are no material considerations to justify a decision otherwise than in accordance with the development plan.
17. For the reasons given above, I conclude that the appeal should be dismissed.

*Robert Parker*

INSPECTOR