



Appeal Decision

Site visit made on 28 March 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th April 2023

Appeal Ref: APP/D3125/W/22/3309784

Laburnum Cottage and 1A Main Street, Over Norton, Oxfordshire OX7 5PR

- 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 T Macfarlane of Little Rollright Estate Ltd against the decision of West Oxfordshire District Council.
 - The application Ref 22/00245/FUL, dated 25 January 2022, was refused by notice dated 20 May 2022.
 - The development proposed is erection of a two-storey side and rear extension to Laburnham Cottage, with subdivision (with associated internal alterations) to form a separate dwelling, together with works of demolition and the erection of a two-storey and single storey rear extension to 1A Main Street, with provision of parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans showing changes to the roof, to provide a bat loft and bat tubes. Given the small nature of the change, I consider that no party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal based on the amended plans.
3. The Council's second reason for refusal referred to the need for additional survey work in respect of protected species, specifically bats, reptiles and newts. As part of the appellant's appeal submissions, further survey information has been provided. The Council has now confirmed that planning conditions would allow this matter to be overcome, and I see no reason to disagree. As such, there is no need for me to consider this matter further.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site consists of two dwellings, Laburnham Cottage and 1A Main Street. Both dwellings are currently unused and somewhat dilapidated, with Laburnham Cottage having collapsed walls and ceilings. The site is located on a sharp bend in Main Street. The pavement has a cobbled dropped kerb that has historically provided vehicular access to the site.
6. The visibility for drivers of vehicles leaving the site using this historic access would be severely restricted by the gable wall of 1A Main Road itself. It is

common ground that visibility from this access is sub-standard. As a result, vehicles using the access would have to protrude into the carriageway to obtain sight of oncoming traffic and would have to manoeuvre within the carriageway. Other road users, including pedestrians, may not see such a vehicle in sufficient time or distance to react. Use of the access would therefore risk direct conflict with the safety of other road users.

7. I acknowledge that the access could be used at any time without needing further planning consent. However, the access appears to have been unused for a considerable period of time, and so the proposal would effectively resurrect what is currently a dormant access.
8. Although there may be some facilities in the village, its rural location means that occupants of the proposal would be largely reliant on the private car for access to day-to-day services and facilities. As a result, the additional dwelling proposed would be likely to result in a significant increase in use of the access by vehicles beyond that which currently takes place. The proposal would therefore result in an appreciable increase in risk to road users.
9. The Highway Authority's Parking Standards for New Developments, dated 2022, require that two-bedroom dwellings should have two off-street parking spaces. The proposal provides two spaces on-site for the new dwelling, but only in place of the parking area for the existing development. The net effect of the proposal would be an increase in parking pressures from the site as a whole, without providing a sufficient number of spaces within the Parking Standards to meet this demand.
10. Although there were some on-street parking spaces available locally at the time of my morning visit, this represents only a snapshot in time. The overspill parking caused by the proposal may well therefore result in obstruction and inconvenience to highway users, adding to the harm caused by increased use of the sub-standard access.
11. I have been provided with little evidence of road traffic accidents in the vicinity of the site. However, given the dilapidated state of the existing dwellings, and the length of time since they have been occupied, they would have generated little if any regular traffic movements, car parking or use of the access. As such, the absence of such records does little to demonstrate that the proposal would not result in harm to road users.
12. For the reasons given above, I conclude that the proposal would harm highway safety. As such, it would be contrary to policies OS2 and T2 of the West Oxfordshire Local Plan 2031 (WOLP), adopted September 2018. These require that development should be provided with safe vehicular access and an acceptable degree of impact on the highway network. The proposal would also be contrary to WOLP Policy T4, which requires parking to be provided in accordance with the Highway Authority's standards.
13. For similar reasons, the proposal would also be contrary to the requirement of the National Planning Policy Framework (the Framework), that development should be refused on highway grounds if there would be an unacceptable impact on highway safety. As such, I give this conflict significant weight.

Other Considerations

14. Planning permission¹ (the 2021 approval) was granted to widen the historic entrance and to provide four car parking spaces for the two existing dwellings within the site. As such, it approves a greater level of use of the access than the proposal. I see no reason to doubt that it could be implemented.
15. However, the 2021 approval includes turning space within the courtyard, allowing vehicles to enter and leave the site in forward gear and thus more safely. It would also reduce on-street parking demand from the dwellings, with a layout that would allow use by both properties, in contrast to the tandem arrangement of the two spaces proposed now. As such, the 2021 approval would result in highway safety benefits beyond the proposal before me.
16. Planning permission² (the 2022 approval) has also recently been granted for extensions to both dwellings, similar to those proposed here. Again, I see little reason why this permission could not be implemented. However, the plans approved as part of the 2022 approval do not show any car parking within the site, and so under that proposal the access from the highway would be little used by vehicles, if at all.
17. Moreover, both the 2021 and 2022 approvals do not include the formation of an additional third dwelling and so would not result in the increase in traffic movements associated with it. As such, both fallback schemes would be preferable to the proposal and so neither provides a strong reason to grant permission, given the harm I have identified above.
18. As confirmed by a recent appeal decision at Burford³, the Council accepts that it cannot currently demonstrate a five-year housing land supply. As such, the Council's housing policies are deemed out of date and it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
19. I have found conflict with WOLP Policies OS2, T2 and T4, and these policies are consistent with the advice of the Framework. Against that conflict, the proposal would make a positive contribution to the supply of housing, on a site that can be delivered quickly. Future occupants of the proposal would make a positive social and economic contribution to the village, as would its construction economically. It would also make more efficient use of the land. However, due to the proposal being for only a single additional dwelling, such benefits carry only limited weight. The provision of bat and bird boxes would also be a small benefit to which I also give limited weight.
20. The site is within the Over Norton Conservation Area (CA) and close to Grade II listed buildings. The proposal would involve the sensitive restoration of the existing buildings and so would result in a modest benefit to the character and appearance of the CA and to the special and historic interest of the listed buildings and their setting. However, because similar benefits can also be achieved under the 2022 approval, I give limited weight to this.

¹ LPA reference 21/01013/FUL

² LPA reference 22/03004/FUL

³ PINS reference APP/D3125/W/22/3293656

Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
22. Given the harm that I have identified to highway safety, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the individual and cumulative benefits, when assessed against the policies in the Framework as a whole.
23. For the reasons given, I have found conflict with the Development Plan, read as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR