



Appeal Decision

Site visit made on 30 May 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 30 June 2023

Appeal Ref: APP/Q3115/D/23/3316186

11 St Johns Terrace, Wallingford, Oxfordshire OX10 9AH

- 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 Mrs Ruth Peters against the decision of South Oxfordshire District Council.
- The application Ref P22/S3113/HH, dated 10 September 2022, was refused by notice dated 14 November 2022.
- The development proposed is described as the install of a permeable reinforced grass driveway to the front of the property and dropped kerb.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the proposed development from the Council's Decision Notice which provides more detail as to the elements requiring planning consent.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety.

Reasons

4. The appeal site is a mid-terraced property in a group of terraced properties known as St. Johns Terrace which runs from Nos. 7-14 (consecutive) St. Johns Road. The frontages are relatively narrow and the majority of dwellings except 12 and 14 have front boundary hedges or fences. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however I have also considered the evidence submitted by both main parties, and in light of this, I am satisfied that what I saw represents typical conditions.
5. St Johns Road is a single carriageway in each direction and is a classified road which provides a pedestrian and vehicular route between the Wallingford town centre, surrounding schools and a large industrial estate. Whilst carrying more vehicles and higher weight classes of vehicles than the surrounding residential streets and cul-de-sacs, St. Johns Road has a low speed limit of 30 miles per hour. The road at the appeal site is relatively straight with a T-junction on the opposite side of the carriageway which meets with Brookmead where there was evidence of a line of cars queuing to turn to enter St. Johns Road. Not very far from the appeal site is a mini round-a-bout to the west. The road contains street lighting and relatively narrow pedestrian footpaths adjacent to the road.

6. Along each side of the carriageway and in front of the appeal site are double yellow lines, with further unbroken waiting/parking restrictions along its north side but only intermittent restrictions along its south side allowing some waiting/parking of vehicles in the gaps. I noted that vehicles parked in the gaps led to some vehicles waiting within the highway before passing the parked vehicles in order to allow oncoming vehicles to proceed safely. At the time of my visit, in the morning, the footpaths on both sides of St John's Road were well used particularly by adults and school children. Based on what I saw on my site visit I deduce that despite its deficiencies, St. Johns Road operates satisfactorily without any significant safety issues. Whilst I have not been presented with any accident data, the absence of formal accident data does not in itself mean that accidents have not occurred, near misses, or indeed that a carriageway is 'safe.'
7. With regards to classified roads, the South Oxfordshire Local Plan (LP) Policy TRANS5 lists a number of considerations around transport which includes providing safe and convenient access for all users of the highway network, provide parking in accordance with the Oxfordshire parking standards, and provide safe routes for cyclists and pedestrians, amongst others. Additionally, the appeal site is within the designated Wallingford Neighbourhood Plan (NP) area where Policy MC4.1a seeks that development should provide for safe and convenient access to the highway network for all users.
8. The front garden of the appeal site is quite narrow which would mean that a vehicle would require neighbouring land to facilitate adequate visibility splays. Whilst I agree with the appellant that the removal of hedging at the neighbouring property has increased the splay, this land is not under the ownership of the appellant and could also be subject to new planting that the appellant would have no control over. Some limited visibility would allow some visibility for users of the proposed access to exit, however this would be more difficult if reversing onto the road. The space available in the front garden of the appeal property is not large enough for a vehicle to turn and exit in a forward gear, with the driver either needing to reverse onto the road, or utilise the pedestrian footpath to turn and enter the carriageway. Both of these scenarios are problematic, particularly to the free flow of traffic on this classified road, and to pedestrian's safety whilst utilising the footpath, which would not comply with LP Policy TRANS5 or NP Policy 4.1a.
9. The Appellant in their Statement of Case (SoC) notes a planning appeal¹ where an Inspector notes that in their opinion that a dropped kerb on a neighbouring property would not place a significant risk to other vehicles and pedestrians, although also noting that the scheme presented a degree of risk to highway safety. I also note a planning appeal² at the neighbouring property submitted by the Council whereby the Inspector took into account this forementioned appeal and came to the conclusion that each decision be judged on its merits and in this particular case, the proposed dropped kerb was found to be detrimental to highway safety. It is also noted that the appeal decisions in question are more than a decade old, and since then there is a new policy position which consists of a different local plan, a new neighbourhood plan and a revised National Planning Policy Framework (the Framework).

¹ Appeal Ref: APP/Q3115/A/09/2097867, 10 St. Johns Terrace, Dated 12 May 2009

² Appeal Ref: APP/Q3115/D/13/2191811, 12 St. Johns Terrace, Dated 4 March 2013

10. What is clear to me from my observations on site and from the LP and NP Policy is that the proposal for a dropped kerb and parking area to the front of the appeal site would be problematic to the free flow of traffic and pedestrian safety as a result of this proposed development. Moreover, the development would cause material detriment to highway safety and free flow of traffic and there is nothing before me to suggest that alternatives have been considered.
11. Taking the above into account, and in conclusion of this matter, the proposal would cause material harm towards pedestrian safety and the free flow of traffic, and would be contrary to LP Policy TRANS5 and NP Policy 4.1a as described above.

Conclusion

12. Taking the above into account, I conclude that the appeal be dismissed.

J Somers

INSPECTOR