



Appeal Decision

Site visit made on 27 February 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/V3120/W/23/3328426

31 & 33 Denchworth Road, Wantage, Oxfordshire, OX12 9AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Wanisayi Dauramanzi against the decision of Vale of White Horse District Council.
 - The application Ref is P23/V1352/HH.
 - The development proposed is to form a dropped kerb and build a driveway at the front of both properties.
-

Decision

1. The appeal is dismissed

Preliminary Matter

2. The plans as submitted to the Council (PP-11713141-1003) proposed the formation of two access points to the highway and the creation of areas of hardstanding to the front of both No's 31 and 32 which are semi-detached properties. The Council's refusal of permission relates to objections to this scheme. However, amended plans have been submitted with the appeal documents and these change the scheme to an access and hardstanding to the front of No.31 only. The arrangement of the access and the parking area is also significantly modified with the introduction of retaining walls.
3. It is long established that the appeal process should not be used to evolve a scheme. Moreover, it was held in the case of *Holburn Studios Ltd* that the basic test to be applied is whether it would be fair in the circumstances to consider the amended scheme.
4. The changes to the plans are substantial, relate to a different site and have different implications to road safety and the relationship with the existing pedestrian crossing to the front of the site. While the highway authority have been able to respond to the amended plans, the local community have not been reconsulted on the scheme and have not had the opportunity to make revised comments. Therefore, I conclude that it would not be fair to the local community to proceed on the basis of the amended plans and I will consider the appeal on the basis of the original plans.

Main Issues

5. The main issues are:
 - The effect on highway and pedestrian safety; and
 - The effect on the character and appearance of the area.

Reasons

Background

6. The appeal site comprises a pair of semi-detached properties which front Denchworth Road (A417) in Wantage although the houses sit in an elevated position above the road with a grass bank leading up from the road and some concrete steps giving pedestrian access. There is a pedestrian crossing on Denchworth Road generally in front of No.33. It is proposed to form a vehicular access by cutting into the bank and forming sloping driveways to areas of blocked paving in front of the houses. The plans show three cars parked on each paved area off a gently sloping paved access replacing the grass verge. The appellant says this off road parking will enable the occupiers to be able to charge an electric car and have better security over their vehicles.

The effect on highway safety

7. Denchworth Road is classified as the A417 and the highway authority says it forms a main artery road in the town and the pedestrian crossing is on a route for children going to local schools.
8. I note the Stage 1 Road Safety Audit Report undertaken for the appellant¹ but this was produced in August 2023 and relates to the amended rather than the original plans. I will therefore not take this document into account.
9. At the site visit I noted the position of the pedestrian crossing which would be located near the centre of the proposed access points. The layout of the front parking areas is restricted and therefore it is likely that vehicles would not be able to turn around within the site so that cars using it would have to reverse either onto or off the highway. I appreciate that there would be no barrier between the new paved area and footways so drivers and pedestrians should be able to see one another. However, it would not be in the interests of highway safety for the six vehicles shown on the submitted plans to have to reverse over the actual pedestrian crossing or close to it, especially one on a route said to be used by children coming and going to local schools. This concern would be heightened by the proposed angle of slope of the access and parking spaces where in icy/snowy conditions there would be a risk of vehicles sliding onto the footway and carriageway.
10. I noted that the houses on the eastern side of the road have vehicle accesses with some in close proximity to the crossing, that is within the zig-zag road markings, but these properties appear to have sufficient space in the hard surfaced and relatively flat front gardens for vehicles to enter and leave the properties in a forward gear. Therefore, their circumstances are materially different to those of the appeal proposal.
11. Overall on this issue I find that it has not been demonstrated that the proposed new access points and parking area can be formed and operated without causing a substantial risk to the safety of road users and pedestrians. This would be contrary to the guidance in the National Planning Policy Framework which says in paragraph 110(b) that all development should have safe and suitable access to a site for all users. However, I see no conflict with Policies CP35, CP37 or DP16 as suggested by the Council.

¹ By Traffic Management Consultants August 2023.

The effect on character and appearance of the area

12. At the moment No's 31 and 33 have an elevated frontage to the road with the grassed bank leading up to the edge of the front gardens. This space is contained by a timber fence although the one to the front of No. 31 is in a poor state of repair. Other properties along this western side of the road and in the adjoining St Mary's Way have a similar arrangement of grassed banks before some fence or hedge enclosure along the front of the houses.
13. The proposed scheme would replace the grassed bank by a continuous area of block paving other than where the concrete steps exist between the properties. This and the parking of six vehicles as shown on the plans would result in a prominent and visually imposing extent of hard surfacing which would appear at odds with the present grassed form. Further, the extent of hard surfacing across the width of both sites would leave little room for landscaping or any other form of enclosure to maintain the established form of the local street scene.
14. Overall on this issue I find that the scale and form of hardstanding and driveways proposed, together with the loss of grassed bank, would have a harmful visual effect on the appearance of the street scene and would not maintain the established character of the area. The proposal would conflict with the provisions of Local Plan Policy CP37 which seeks to ensure that development proposals maintain or enhance local distinctiveness and character and integrates with its surroundings.

Planning balance

15. On the main issues I have found that the scale and siting of the new accesses proposed would be likely to result in a substantial risk to highway safety particularly in the safe use of the pedestrian crossing outside of the site. The loss of the grassed bank and the extent and nature of the hard surfacing proposed and its use for parking would also be intrusive in the street scene and be harmful to the appearance of the area. The proposal therefore conflicts with the development plan and the national guidance mentioned above.
16. This has to be balanced with other considerations. I recognise that it would be more convenient for the house occupiers to be able to park in their property especially as roadside parking outside of the site is restricted by the zig-zag lines around the crossing. On site parking would also enable electric vehicles to be charged and this would generally accord with the support for sustainable transport put forward in the Framework.
17. Nevertheless, these factors do not outweigh the risk to pedestrian and highway safety or the harm to the appearance of the area, and I conclude that the proposal would not accord with the Framework when this is read as a whole.
18. The conflict with the development plan is not outweighed by any other factor and this indicates that the appeal should not be allowed.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR