



Appeal Decision

Site visit made on 16 July 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/Q3115/W/24/3339245

Land Adjacent 61 Brinkinfield Road, Chalgrove, Oxford OX44 7QX

- 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 Mr G Verma against the decision of South Oxfordshire District Council.
 - The application Ref is P/23/S1344/FUL.
 - The development proposed is erection of one semi-detached 2 bedroom and one semi-detached 3 bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and description of development from the appeal form. Whilst different to the application form and decision notice they more accurately and concisely describe the development proposed and appeal site location.
3. A revised National Planning Policy Framework (the Framework) was published following the Council issuing its decision. The main parties have had the opportunity to comment on the revised Framework during the course of the appeal.

Main Issue

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

Reasons

5. The appeal site relates to a corner plot of land which previously formed part of the side and rear garden to 61 Brinkinfield Road (No 61). In order to facilitate parking for the proposed two dwellings two new accesses would be created with one off Brinkinfield Road and one off Laurel Close.
6. My site visit took place midday on a weekday. While this can only represent a snapshot in time, a good amount of on-street vehicle parking was widely available in the vicinity of the appeal site. In addition, I observed how there are nearby dwellings which have an access onto Laurel Close at the point it narrows. I also observed a tall boundary fence run up to the footway from No 61 adjacent to the parking area proposed off Brinkinfield Road. It was also evident that Brinkinfield Road was more heavily trafficked than Laurel Close.

7. The Oxfordshire County Council Highways Officer has stated that vehicular access within 15m of a junction is not supported. However, no policies before me identify a set distance that should be achieved. It is, therefore a matter of planning judgment, taking each development on its own merits, amongst other guidance, whether parking and access close to a junction are acceptable regarding highway safety. Additionally, as part of my site visit, I also noted speed restriction signage of 20 mile per hour on Brinkinfield Road.
8. The proposed development incorporates a shared parking area accessed off Brinkinfield Road. Adequate visibility and pedestrian splays have been indicated on plan, which I find no reason to disagree with. However, achieving these splays would result in an awkward parking arrangement for future occupiers. The positioning of parking space P2 wedged between neighbouring spaces would result in a cramped and uncomfortable relationship requiring vehicles to park centrally within each parking space. In the event a vehicle is not parked centrally in the bay or a larger vehicle uses one of the parking bays, there is no substantive evidence to show that the boundary fencing at No 61 would not harmfully impinge visibility. This is because vehicles may be forced to park closer to the boundary with No 61.
9. While the appellant states an agreement with the occupier of No 61 has been reached, there is no mechanism before me to secure the reduction of the fence. Moreover, it would not be appropriate to use a condition to secure this or how it could be enforced in line with the conditions tests of the Framework.
10. Additionally, the location of the three spaces close to the road would increase the opportunity for conflict between users/vehicles on the driveway as there may be times when different occupiers are loading/unloading, entering or exiting the driveway. This would in turn likely lead to vehicles waiting in the highway. These waiting vehicles would cause an obstruction, restricting the movement of vehicles on Brinkinfield Road and therefore causing a conflict between vehicles which would be harmful to highway safety. This would also result in a severe impact on the free flow of traffic as I observed a steady flow of traffic using the road.
11. It is accepted that accident data confirms that there are no existing highway safety problems on the local highway network. However, a lack of accidents in a location is not a sufficient reason to allow a scheme that would increase highway risks.
12. In regard to the proposed parking space off Laurel Close, there would be a minor increase in vehicle traffic accessing and egressing the parking space close to the junction. However, vehicles coming off the junction or travelling along Laurel Close would be travelling at slow speeds with good levels of visibility.
13. Moreover, a suitably worded condition on boundary treatment heights adjacent to the parking space would allow users of this space and other road users clear visibility along the road and footway. As such, the introduction of the parking space in this location would not result in unacceptable harm to highway safety.
14. It is noted that Oxfordshire County Council's adopted car and cycle parking standards require up to 1 car parking space per 1-2-bedroom dwellings. Nonetheless, I have determined the appeal with car parking spaces to be provided as per the submitted plans.

15. For the reasons above, the proposed parking layout off Brinkinfield Road would have an unacceptable harmful effect on highway safety. It would therefore conflict with Policy TRANS5 of the South Oxfordshire Local Plan and Policy H4 of the Chalgrove Neighbourhood Development Plan. Together, amongst other things, these expect development proposals of all types to provide safe and convenient access for all users of the highway network. It would also conflict with the Framework, which seeks safe and suitable access to a site for all users and avoid unacceptable impacts on highway safety.

Other Matters

16. The Council has raised no concerns with regard to the design of the dwellings, and I find no reason to disagree. Nonetheless, this does not overcome the harms I have identified above.

Conclusion

17. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
18. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR