
Appeal Decision

Site visit made on 7 October 2013

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 February 2014

Appeal Ref: APP/G3110/A/13/2196202

Lake Street, Oxford, OX1 4RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Network Rail against the decision of Oxford City Council.
 - The application Ref 12/03282/PA11, dated 19 December 2012, was refused by notice dated 26 March 2013.
 - The development proposed is the demolition of existing and erection of replacement footbridge.
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Decision

1. The appeal is allowed and approval granted under the provision of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 for the design and external appearance of the replacement bridge at Lake Street Oxford OX1 4RD in accordance with the terms of the application Ref 12/03282/PA11, dated 19 December 2012.

Main Issue

2. The main issue is the effect of the proposal on the amenity of the neighbourhood.

Reasons

3. The Council determined the proposal in accordance with the requirements of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. I have considered the appeal on this basis. In the circumstances of this case, the Order does not allow for the construction of a bridge unless prior approval of the detailed plans and specifications has been obtained. This should not be refused nor should conditions be imposed unless the bridge could reasonably be erected elsewhere on the land; or the design or external appearance would injure the amenity of the neighbourhood and could be modified to avoid such injury.
4. The bridge replacement, a steel structure, is required to make a small increase in the minimum clearance because of electrification works. The condition of the existing bridge, which I could see was markedly aging, would not facilitate 'jacking' and track lowering has justifiably been ruled out for potential flooding and scale of works reasons with this ten track arrangement. The existing bridge forms part of a footpath network and therefore there is no dispute with regard to its general location. The proposition to run it to the south alongside the existing structure which can remain in place whilst works continue is understandably not challenged by the Council. The only matter for

consideration therefore is whether the proposal would be harmful to the amenity of the neighbourhood.

5. The increased height would be insignificant in the wider scene, helped by the screening and filtering effects of vegetation locally and tree heights. The appearance of the structure would be functional but comparable to the existing bridge and not at all out of place with the railway context or the wider character and appearance of the area. The use of steel with galvanisation would be entirely appropriate visually. Given all of this I am satisfied that the bridge would not cause injury to the amenity of the neighbourhood and I conclude it would thus satisfy the conditions of the Order.
6. I appreciate that the Council and a considerable number of local people and organisations are concerned that the new bridge would, like the existing structure, not provide for ramped access to aid disabled people and the use of child buggies and such forth. The importance of this link between South Hinksey and Oxford City is emphasised by many objectors. Network Rail states it has explored the issue of ramping and dismissed the proposition on cost grounds given DfT funding is for a 'like for like' regime. Additionally Network Rail has been unable to achieve any requisite additional funding from Oxfordshire County Council. Furthermore the organisation underlines that such access provision is not in any event a consideration in respect of this type of application and that passive provision has been made for ramps to be added in due course should funding from whatever source become available in the future.
7. As detailed above the proposal does not require planning permission and the issues which fall to be considered are limited. However, in exercising my powers to determine this appeal in accordance with Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. Taking a proportionate view on this matter I am satisfied that the structure as planned demonstrates due regard to the duty and that concerns expressed over this issue do not alter my conclusions that the amenity of the neighbourhood is not harmed by the proposal.
8. I should add that I do not consider that 'amenity' should be construed as to include the question of 'access for all'. However, even if the issue was 'expanded' the key question remains as to what is the amenity impact on the neighbourhood and in this instance, given the existing situation, that would at least be preserved and not injured.

Overall conclusion

9. As the proposal is not an application for planning permission, I am limited as to the matters that I can take into account in terms of both the concerns expressed and matters put forward by the appellant. For the reasons given above I conclude that the appeal proposal would not result in injury to the amenity of the neighbourhood and that prior approval should not be withheld. Accordingly the appeal is allowed.

D Cramond

INSPECTOR