

Appeal Decision

Site visit made on 25 October 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 10 November 2016

Appeal Ref: APP/N0410/W/16/3154389

Bridge Cottage, 45a Baring Road, Beaconsfield HP9 2NF

- 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 Alexandra Homes Ltd against the decision of South Bucks District Council.
 - The application Ref 16/00791/FUL, dated 28 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is the demolition of existing house and garage and erection of a new block comprising 6no. 2-bed retirement apartments over 3 floors restricted in occupation to the over 55s only with associated provision for access, parking, hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing house and garage and erection of a new block comprising 6no. 2-bed retirement apartments over 3 floors restricted in occupation to the over 55s only with associated provision for access, parking, hard and soft landscaping at Bridge Cottage 45a Baring Road, Beaconsfield HP9 2NF in accordance with the terms of the application, Ref 16/00791/FUL, dated 28 April 2016, subject to the conditions in the attached Schedule.

Main Issues

2. From the Council's decision, the main issue is the effect of the proposal on highway safety in respect of the use of the driveway access. However having considered the Council's evidence, the letters of representation and from my site visit, I consider another main issue is the effect of the proposal on highway safety with regard to parking provision.

Reasons

3. The site is mostly positioned to the rear of three large detached houses fronting Baring Road. It currently accommodates a vacant six bedroomed dwelling with the main access taken from Baring Road via a driveway running between the houses at No 45c and No 47. There is also a gated pedestrian access to the site from a footpath that runs along the east boundary of the site.
 4. It is not disputed by the parties that the development would be likely result in around 10 (two-way) vehicle trips per day and that this would not be materially greater than that which would be generated by the existing dwelling, and I have no evidence to suggest this is not a reasonable estimation. Indeed, on this basis the Council consider that, though the access has poor visibility onto
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Baring Road, the development would not exacerbate the existing effect on highway safety.

5. I consider that the probability of two of the 10 vehicle movements happening simultaneously and in opposite directions such that one of the vehicles would need to reverse to allow the other to pass, would be very unlikely, and the appellant has calculated this to be around 1%. Even if this situation did occur, there would be sufficient room within the main part of the site for a vehicle to reverse to allow the other to pass and it is likely that the residents would quickly adopt this protocol in light of the danger of reversing onto Baring Road. Accordingly I do not consider that the narrow width of the driveway would be likely to result in the safety of highway users on Baring Road being compromised.
6. The parties agree that the driveway measures 3.1 metres for most of its length. My attention has been drawn to the guidance in chapter 7 of Manual for Streets which advises that carriageway widths should be appropriate for their use, and that shared surfaces should create an environment in which pedestrians can walk or stop and chat without feeling intimidated by motor traffic. Whilst this guidance is more relevant to public roads, I consider the principles behind it are applicable to the case before me. Although the width of the driveway may make pedestrians feel intimidated if a vehicle were to pass them, the slow speed of traffic along the driveway and the small number of vehicles that would use it are mitigating factors.
7. Further mitigation is provided by the pedestrian access onto the path to the side of the site. There is a degree of uncertainty as to the owner of the path, but it appears to be in regular use by the public, and an affidavit has been provided to demonstrate that the previous owners of the site used the path to access the property. In the absence of any evidence to the contrary, I consider pedestrian access to the site could be achieved from this path through the gate. Furthermore, from the apartments, this gate would provide a more direct route to the town centre than the driveway.
8. As such although the driveway is narrow, it would be used by a small number of slow moving vehicles and would most likely be a less popular pedestrian route than the gated access onto the side path. Therefore the proposal would not be likely to result in the safety of pedestrians at the site being adversely affected.
9. Consequently, vehicular use of the driveway would not compromise the safety of pedestrians within the site or highway users on Baring Road. As such the development, in this regard, would accord with Policy TR5 of the South Bucks District Local Plan (the 'Local Plan') which advises that regard will be had to the effect of proposals on safety, congestion and the environment. By providing a dedicated pedestrian access, the proposal would accord with paragraphs 32 and 35 of the national Planning Policy Framework (the 'Framework') which require safe accesses and layouts in development. The proposal would also comply with the general aims of the Buckinghamshire Local Transport Plan which includes making the county a safe place to live.

Parking Provision

10. Though not included in the Council's reason for refusal, the officer's report considers that the parking provision for the development would be insufficient. A shortfall in parking could result in future occupiers of the development having to park on Baring Road. At my site visit, I noted a lack of on street parking available in the area and the high occupancy of the space that was available. This suggests that any overspill parking from the development would place great pressure on the existing on-street parking which could detrimentally effect the efficient operation of the highway.
11. The plans show that two spaces would be provided on site and the Council suggest this falls short of the three spaces that the standards in their Local Plan require for six retirement units. However I have also been referred to the County Council's Countrywide Parking Guidance which advises two spaces would be appropriate to serve the six units and which, in accordance with the Framework, has regard to the accessibility of the development in setting the standards. The Council's standards are part of the development plan, but pre-date the Framework. The County Council's guidance is not part of the development plan, but post-date the Framework and was produced in 2015. As such, both can be given some weight. I can, however, give little weight to the suggestion that six spaces would be appropriate as I have been given no persuasive justification for this figure.
12. I have also given consideration to the fact that the younger residents of the development may still be in employment, and indeed the Council's parking standards for retirement development relates to persons over 60 years old. However the Council have suggested their standards are still appropriate to the proposal, and from the evidence before me I have no reason to come to a different view. Likewise high levels of car ownership locally and the fact that the units have two bedrooms does not lead me to consider the Council's standards are necessarily inappropriate.
13. Also, as stated above, the development would generate around 10 (two-way) trips a day, and this figure takes account of the site's location a short distance from Beaconsfield town centre and the shops, facilities and public transport provision therein. This needs to be taken into account.
14. On balance, taking into account all of the above considerations, I conclude three parking spaces would be reasonable. Indeed this level of provision would accord with the Council's adopted parking standards. From the plans it appears there would be room within the site for an additional parking space to be provided. I am satisfied that a condition can be imposed which would secure an amended parking layout to provide an additional space on site.
15. As such, the site can be developed to provide an amount of car parking which would not be likely to result in on street parking which could affect the efficient operation of Baring Road and affect highway safety. Therefore the development would accord with Policy TR5 of the Local Plan by providing a safe environment.

Other Matters

16. With regard to the issue of the proposal creating a precedent for similar development, I have not been provided with details of any specific sites which

are comparable to that before me, and a generalised concern of this nature would not be sufficient to withhold planning permission in this case. Notwithstanding this each case must be determined on its own merits.

17. With regard to the concerns regarding the design of the proposal in terms of its height, I do not consider the development would be materially higher than the existing dwelling and would generally be in keeping with the height of properties in the vicinity. Also, although it would be a large building and would appear prominently from the side path, it would sit comfortably on its plot and would not adversely affect the character or appearance of the area.
18. There would be windows at first floor level and above which would face neighbouring properties. However the building would be well screened by vegetation and it is not considered that any neighbouring occupier would suffer an unacceptable loss of privacy as a result of the development.
19. In addition whilst I acknowledge the concerns regarding the pressure the development may place on local infrastructure such as sewerage and doctor's surgeries, I have no substantive evidence before me to demonstrate such pressure could not be accommodated.
20. The development would fail to provide satisfactory fire brigade access, but this is addressed by other legislation. Similarly any necessary agreements with Network Rail are not matters for my consideration.

Conditions

21. I have considered those conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
22. In accordance with the requirements of the PPG and the Framework I have imposed, the standard condition relating to the commencement of development, a condition specifying the relevant plans in order to provide certainty, and conditions relating to construction materials, finishing materials, and landscaping in the interests of preserving the character and appearance of the area.
23. Also I have attached a condition requiring the submission of a revised parking layout plan showing three spaces. This reflects the Council's parking standards and is necessary in the interests of highway safety.
24. I have altered the suggested condition relating to the age limit of the future occupiers of the development, from preventing occupation by persons under 55s to only allowing occupation by persons over 55s, to reflect the description of development given on the application form. I have also altered a landscaping condition to take account of the comments from the Council's ecological advisor.
25. The suggested condition relating to bats is not necessary as there is no evidence of bats at the site.
26. Some conditions require compliance prior to the commencement of development so that the effects of the proposal are properly mitigated for in order to make the development acceptable.

Conclusion

27. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 1607-01, 1861/10, 1861/11, 1861/12, 1861/13 and 1861/14.
- 3) Each unit of the development hereby permitted shall only be occupied by persons over 55 years of age.
- 4) No development shall take place until samples or a schedule of all external facing materials to be used in the elevations of the development hereby permitted have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until samples or a schedule of all finishing materials to be used in any hard surfacing of the site have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
- 6) No development shall take place until an amended car parking layout plan has been submitted and approved by the local planning authority in writing which shows the provision of three parking spaces within the site. The details in the plan shall be carried out before the first occupation of the development and maintained thereafter.
- 7) Notwithstanding the details illustrated on the drawings already submitted, no development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of biodiversity/ecological enhancement and landscaping. The scheme shall include provision of bat roosting and bird nesting opportunities and indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission.
- 8) All planting, seeding or turfing comprised in the approved details of biodiversity/ecological enhancement and landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants forming part of the landscaping scheme which within a period of five years from the first occupation of the development or the substantial completion of the development, whichever is the latter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) Prior to the commencement of works, a plan detailing the erection of protective fencing for trees and other vegetation shall be submitted to and approved in writing by the local planning authority. The plan shall be implemented prior to the commencement of all works, including demolition of any buildings on site, and shall include the accurate representation of the crown spreads of all trees, shrubs and other significant vegetation. All protective fencing erected to protect existing

trees and other vegetation during construction shall conform to British Standard 5837:2005 'Trees in Relation to Construction' or any replacement thereof or EU equivalent and shall consist of a vertical and horizontal scaffold framework, well braced to resist impacts, with vertical tubes spaced at a maximum interval of 3m. Onto this, weldmesh panels shall be securely fixed with wire or scaffold clamps. The fencing shall be retained and maintained until all building, engineering or other operations have been completed. No work shall be carried out or materials stored within the fenced area without the prior written consent of the local planning authority.