

Appeal Decision

Site visit made on 20 March 2017

by Clive Tokley MRTPI

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

Decision date: 6 April 2017

Appeal Ref: APP/J0405/D/17/3166515

9 Gilbert Scott Gardens, Gawcott, Buckingham, MK18 4JQ.

- 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 Crystal Smith against the decision of Aylesbury Vale District Council.
 - The application Ref 16/02564/APP dated 12 July 2016 was refused by notice dated 14 October 2016.
 - The development proposed is erection of closeboard wooden fence to front enclosing property's allocated parking space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, parking and highway safety.

Reasons

Character and appearance

3. The appeal property is an end-terrace dwelling within a modern mixed development of terraced and semi-detached houses and flats. No 9 is part of the frontage development facing onto Buckingham Road and is the last house when leaving the village and entering the countryside to the north. The building containing No 9 has access from the front and rear. It is set back from the road and is separated from the roadside footpath and grass verge by a tarmac parking area bordered by metal railings. As a result of the open character of the frontage the front walls of the houses and flats within the terrace are clearly seen from the street.
 4. The fence the subject of the proposal has already been built and its height is such that it obscures the road-facing ground floor patio door and window of No 9. From the street I was able to see only the very top-most parts of them. Fences of this nature are not unusual within residential areas and can be found elsewhere within the development; although those that I saw were not as high as the appeal fence and were less prominently located.
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5. The appellant comments that the fence is partially obscured by shrubs and parked vehicles but their screening effect is very limited. In this prominent location at the front of the dwelling the fence has a stark and incongruous appearance which unacceptably detracts from the character and appearance of the terrace and the street scene.
6. The proposal therefore conflicts with Policy GP 35 of the *Aylesbury Vale District Local Plan January 2004* which indicates that new development should respect and complement the physical characteristics of the site and its surroundings.

Parking and highway safety

7. Most of the older terraced houses opposite the appeal property do not have off road parking. However there is no restriction on kerbside parking in front of those houses and north along Buckingham Road to the village gateway. At the time of my site visit (about 13:30 on a working day) a number of cars were parked on the west side of the road but a few spaces were available. I saw that cars were also parked on Gilbert Scott Gardens close to its junction with Buckingham Road. I do not have a parking survey and my observations were no more than a snapshot; however I am conscious that the number of vehicles being parked on the road may not be representative of evening or weekend parking and I see that the Parish Council refers to a "chronic shortage" of parking spaces in Buckingham Road adjoining Gilbert Scott Gardens.
8. I saw that numbered spaces are present at both the front and rear of the frontage building. The appellant confirms that she originally had a space at the rear but was subsequently allocated space No 1 at the front which is the subject of this appeal. At the time of my visit none of the remaining three spaces at the front of the building was occupied; however a car was parked fully on the pavement to the south of the car park entrance preventing pedestrian use of the footway. The appellant's appendix 10 photographs also show a vehicle in this location. I noted the presence of tyre marks on the grassed area in front of No 9 and mud on the adjacent pavement indicating that it too had been used for parking. I also saw tyre tracks on the field entrance immediately to the north which confirmed the indication in another of the appellant's photographs that this is also used for parking.
9. The appellant indicates that she has parked her car on Buckingham Road for a number of years; however she states that that was as a result of her concern about the security of her originally-allocated space at the rear. The now-enclosed parking space No 1, being immediately in front of her windows, would allow her to keep an eye on her car and would be much more secure than on-road parking. It would also be much more convenient than on-road parking. I find it very unlikely that had the parking space not been enclosed it would not have been used by the occupier of No 9 to park a vehicle. In the absence of the enclosed parking space it appears to me that the appellant would have no alternative to parking on the highway in the vicinity.
10. The Council draws attention to Policy GP.24 of the *Aylesbury Vale District Local Plan January 2004*. That policy reflects the government guidance of the time and refers to a maximum allocation of car parking spaces. However national maximum standards were abolished in 2011 and more recent guidance indicates that where there is a clear and compelling justification local minimum

parking standards may be imposed. From what I have read and seen, and in the interests of highway safety and general amenity, I have concluded that it was necessary to provide off-street parking in association with the housing development at Gilbert Scott Gardens. Having provided car parking it was necessary to ensure that it was retained and to that end a condition was placed on the original planning permission.

11. The narrow width of the road would prevent parking on both sides and this may encourage parking on the verge and footway. However unlawful parking on the verge or pavement represents a hazard to pedestrians, who would be required to walk on the road. Other road users, including cyclists and motor cyclists would encounter reduced visibility and unexpected manoeuvres arising from cars entering or leaving the carriageway. I do not know if the car that I saw parked on the pavement was associated with No 9 or whether the evidence of other vehicles parked on the verge related to that property. However it is a simple fact that if the car parking space serving No 9 is not available any vehicle associated with that property would be required to park elsewhere. It is most likely that it would be parked on the street and this may result in other car owners deciding to park on the verge or in the gateway thereby detracting from the safety of road users.
12. On this issue I conclude that the proposal would conflict with the objectives of LP Policy GP.24 and would result in additional pressure being placed on on-street parking which would be likely to detract from highway safety.

Other considerations

13. The appellant indicates that the fence replaced a lower fence with a trellis above it which was positioned on the edge of the garden area. However that fence was lower than the fence the subject of this appeal and, being set back closer to the house, it was less visually intrusive. There are material differences between the previous fence and that the subject of this appeal and the fact that the proposal replaced that fence does not convince me that it is acceptable.
14. The appellant draws attention to the limited outside space associated with her house and sets out the process that she followed before building the fence and enclosing the parking space. I understand her desire to provide more outside space for her children and that it was not her intention to breach planning controls; however I consider that the benefit to her family is outweighed by the harm caused to the character and appearance of the area and highway safety.

Conclusion

15. Taking account of all matters I have concluded that the proposal unacceptably detracts from the character and appearance of the area, the availability of off-road parking space and highway safety and that the appeal should not succeed.

Clive Tokley

INSPECTOR