
Appeal Decision

Site visit made on 25 April 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 30 May 2017

Appeal Ref: APP/J0405/W/17/3167584
24 Mount Street, Aylesbury HP20 2SE

- 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 Mr Taylor against the decision of Aylesbury Vale District Council.
 - The application Ref 16/03847/APP, dated 25 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is the erection of an attached two storey house.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I wrote to the parties inviting comments following the Supreme Court (SC) judgment¹ of 10 May 2017 concerning the interpretation of paragraph 49 of the National Planning Policy Framework (the Framework) and its relationship with paragraph 14 of the same. No response was received from either party. Nevertheless, I have considered the implications of this judgement below.
3. The Council has confirmed that the Road Accident Information which is labelled as confidential can be made available to third parties, thereby allowing me to take this evidence into account in my decision.

Main Issues

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

Reasons

5. The appeal site currently comprises the side garage and part of the rear garden of No 24 Mount Street, which is a two-storey end of terrace dwelling. The site sits adjacent to an unmade access road which runs along the side of the property, serving properties to the rear.
6. The appeal proposal makes provision for a single off-street car parking space to the rear of the dwelling. The Council say this level of provision for a two bedroom house is in accordance with Policy GP24 of the Aylesbury Vale District Local Plan (AVDLP) and SPG1. Whilst I have not been provided with copies of

¹ Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)

these policies, I agree that the level of parking provision is appropriate for a development of the size and location proposed.

7. However, it is evident that there is insufficient space within the site for vehicles to enter, manoeuvre and exist. The depth of the adjacent access track is also limited and no tracking information has been provided to demonstrate that a car could get into and out of the space in one movement. Based on my own observations, it is very likely that a number of back and fore movements would be required. This in itself is not necessarily unacceptable, given that the volume of traffic and speeds in this location would be very low. Nevertheless, there would be an increased likelihood of conflict with vehicles given the proximity of the proposed parking area to the sharp bend at the site frontage, which has restricted visibility. The potential for conflict would increase should drivers decide to reverse onto the highway because of the restricted visibility.
8. Moreover, the amount of movements which appear necessary to access and exit the space would in my view be so inconvenient as to discourage its use. Therefore, it is likely that the proposal would result in parking on Mount Street. This would be particularly undesirable because Mount Street is a narrow road where simultaneous two-way traffic flow is not possible. The Council has provided photographic evidence that Mount Street already suffers from on-street parking and to allow cars to pass on the carriageway requires parking on the narrow footway. Additional on-street parking would therefore further constrain the operation and width of Mount Street with opposing vehicles being forced into reversing manoeuvres and causing further risk and inconvenience to highway users.
9. I acknowledge that the site benefits from a sustainable central location but there can be no guarantee that future occupants would have only have one car or that they would use non-car modes of transport. Whilst I acknowledge that the existing garage at No 24 is not presently used for parking cars, its demolition and replacement with a dwelling would also remove the possibility of off-street parking being provided for that dwelling, leaving occupants with no other option other than to park on Mount Street.
10. The use and safety of the narrow footways on either side of the site are already severely compromised, not only by the on-street parking but also by the placement of refuse bins. These obstructions render the footways mostly unusable and force pedestrians onto the restricted carriageway and into conflict with motor vehicles. The proposal would therefore exacerbate the hazard and inconvenience to pedestrians.
11. Evidence provided by the Highway Authority also demonstrates the proposal would likely generate approximately 4.5 additional vehicles movements per day onto Mount Street, which in turn links into the A41. Due to the inadequate width of Mount Street vehicles cannot simultaneously exit/enter the Mount Street/A41 junction, resulting in an increased likelihood of vehicles stopping unexpectedly and an increased risk of collision. The stopping of vehicles on the A41, which is a busy strategic stretch of highway, would also likely interfere with its free flow of traffic.
12. I therefore conclude that the proposal would result in increased on-street parking and the intensification of use of an already substandard road and junction, to the detriment of highway safety and contrary to the aims of the Buckinghamshire Local Transport Plan 4 (BLTP) and paragraph 32 of the

Framework. These seek to ensure, amongst other matters, that new developments provide safe and suitable access. Whilst I've not been aware that the BLTP forms part of the development plan, it is nonetheless a material consideration, albeit with reduced weight.

13. The appellant points out that paragraph 32 of the Framework also states that development should only be prevented or refused on transport grounds where residual cumulative impacts are severe. However, case law has established that this addresses matters of highway capacity and congestion, rather than highway safety considerations.

Other matters

14. The appellant states that the Council cannot demonstrate a five-year supply of deliverable housing sites and makes reference to a Court of Appeal judgement² concerning the interpretation of "relevant policies for the supply of housing" in paragraph 49 of the Framework. However, the subsequent SC judgement referred to above makes clear that the primary purpose of paragraph 49 of the Framework is to trigger the operation of the tilted balance in paragraph 14 of the same where a Council cannot demonstrate a five year supply of delivering housing sites. The important issue is not the categorisation of development plan policies as "policies for the supply of housing" but whether the application of these policies is achieving a five year supply of deliverable housing in accordance with the objectives of paragraph 47 of the Framework.
15. In any case, the Council's position is that it can now demonstrate a five-year supply of deliverable housing sites. Consequently, in the absence of substantive evidence to the contrary, paragraph 49 of the Framework is not invoked. Nevertheless, the Council acknowledge that it has no up-to-date housing supply policies in the AVDLP and that it still has to apply the planning balance in paragraph 14. Be that as it may, the harm I have found to highway safety would significantly and demonstrably outweigh the benefits of providing one small dwelling. The presumption in favour of sustainable development does not therefore apply.

Conclusion

16. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR

² Suffolk Coastal District Council v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East, SCLG [2016] EWCA Civ 168