
Appeal Decision

Site visit made on 16 May 2017

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 05 June 2017

Appeal Ref: APP/N0410/W/16/3162185
53 Leas Drive, Iver SL0 9RB

- 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 Ms D Panagiotidou against the decision of South Bucks District Council.
 - The application Ref 16/01123/FUL, dated 9 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is described as "to apply tarmac onto this area (in accordance with regulations) in order to use as crossover between the street and our property".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Character and appearance

3. Leas Drive contains groups of terraced housing of broadly similar design. Many of these properties are set back from the street frontage behind small front gardens, providing the area with a particularly open and verdant appearance. This is especially the case in the vicinity of the appeal property as there is a grassed verge running parallel to the road. This contains some young trees which the Council indicate to be maple saplings.
 4. It is proposed to construct a driveway across the grass verge in order to create a new vehicular access into the appeal property. This would link to a proposed hardstanding area within the property for the purpose off-street parking. Whilst I understand that the driveway would be constructed on land which is not owned by the appellant, ownership matters are a private matter between the relevant parties and therefore have no material bearing on my assessment of the planning issues in this appeal.
 5. Although I am informed that the verge has been badly maintained in the past, this does not diminish from the contribution that it currently makes to the open and verdant qualities of the street scene in this location. Whilst the driveway
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would be small in comparison to the overall size of the verge, it would nonetheless introduce hard surfacing within the grassed area, thereby eroding its verdant appearance. Even though the young tree nearest the appeal property could be retained, the Council's arborist suggests that it would eventually need to be pruned back to prevent conflict with vehicles using the driveway and I agree that this is likely. As such, the proposal has potential to undermine the attractiveness of the tree in the future and hence its contribution to the Leas Drive street scene.

6. It seems to me that the driveway would also alter the character of the verge from an area of communal amenity space to one which is partly used to accommodate private vehicle movements. While the appellant indicates that there is no intention to park on the driveway, I am nonetheless mindful that planning permission is permanent and subsequent occupiers of the appeal property may choose to use the driveway differently.
7. The overall effect of the proposal would therefore be to harm both the character and appearance of the Leas Drive street scene by eroding the amenity value of the grassy verge. I accept the appellant's point that the circumstances of the neighbouring properties differ from that of the appeal property and therefore the proposal would not necessarily set a precedent for similar driveways elsewhere on the grass verge. Nevertheless, I have found that the appeal proposal would be harmful in its own right.
8. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. There would be conflict with Policy TR5 of the South Bucks District Local Plan 1999 which indicates (within criterion c) that development should not have an adverse effect on the quality or character of the locality. Although the Council quote Core Policy 9 of the South Bucks Local Development Framework Core Strategy 2011 within their reasons for refusal, this is concerned with the natural environment and is not of direct relevance to the appeal proposal.

Other matters

9. My attention has been drawn to Policy TR7 of the Local Plan and in particular the explanatory text which indicates that the Council will support the highway authority in reducing on street parking where it is a major problem, so as to allow residents to park near their homes. The appellant argues that there are major parking problems within Leas Drive and that the proposal would help to alleviate some of these pressures as well as reducing traffic movements.
10. Although I have little reason to doubt the appellant's observations regarding parking in Leas Drive, there is relatively little before me to indicate that the proposal would reduce on-street parking pressures to such an extent that it would outweigh the harm to the character and appearance of the area that I have identified above. Similarly, whilst I note the appellant's point that the proposal would reduce the chances of children running into the street, there is not a great deal of evidence to suggest that current parking arrangements are unacceptably hazardous.
11. Article 1 of the First Protocol of the European Convention on Human Rights concerns enjoyment and deprivation of possessions. However, these are qualified rights and any interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of

proportionality. Statutory planning policies are clearly within the public interest and the aim of protecting the character and appearance of the area cannot be achieved by any means which are less interfering with the appellant's rights. Overall, I am satisfied that in this particular case, the application of planning policies is proportionate and necessary in the circumstances and therefore does not result in a violation of human rights.

12. The appellant has expressed dissatisfaction with the way in which the Council handled the application process and also alleges harassment from third parties. Although I recognise these concerns, they are not matters which I am able to address through an appeal made under section 78 of the Town and Country Planning Act 1990. My decision is therefore confined to the planning merits of the proposed development.

Conclusion

13. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR