The Planning Inspectorate

Appeal Decision

Site visit made on 23 May 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 6th June 2017

Appeal Ref: APP/N0410/W/17/3167302
Land adjacent to 3 Minton Rise, Burnham SL6 0PD

- 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 Jason Randall against the decision of South Bucks District Council.
- The application Ref 16/02051/FUL, dated 1 November 2016, was refused by notice dated 23 December 2016.
- The development proposed is conversion of redundant surgery into a one bedroom bungalow along with associated works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:

   - The effect of the proposal on the character and appearance of the area.
   - The effect on highway safety.

Reasons

Character and appearance

3. The appeal site consists of a two storey semi-detached dwelling (No 3) with a large single storey flat roof extension at the side. The extension is a vacant doctor's surgery. No 3 and the extension occupy a generous, broadly triangular shaped plot, a large part of which consists of a parking area associated with the vacant surgery. The parking area is largely screened from the road by mature planting.

4. The rest of Minton Rise mostly consists of semi-detached and detached two storey dwellings of similar appearance arranged in regularly spaced plots, set back similar distances from the street. Whilst there are two detached bungalows broadly opposite the site, these are set well back from the street and do not directly relate to it. Moreover, the bungalows occupy generous plots. The surrounding streets comprise a mix of detached and semi-detached houses and bungalows. The dwellings generally occupy regularly sized, well-spaced plots with good sized front and rear gardens and are arranged in neatly aligned rows. These qualities give the area a pleasant suburban character.

The Council's Townscape Character Study (TCS)[1] identifies Minton Rise and the surrounding streets as forming a part of a character typology defined as 'suburban roads'.

5. The works involved in the residential conversion of the extension would largely be limited to elevational alterations and formation of a crown roof. Nevertheless, the proposed dwelling would be of very modest size, which would not reflect the scale and proportions of No 3 or that of residential properties elsewhere in the street and the surrounding area. The external materials would be similar to those of No 3. Otherwise however, in terms of its appearance the new dwelling would largely not echo the elevational treatments of dwellings in the locality. In particular, although I observed different roof forms, crown roofs are not typical of the locality.

6. Whilst the surgery is in situ, it is currently viewed as a simple, low profile extension to No 3. However, the proposed alterations would emphasise its appearance as a separate dwelling. Due to its position set back from the front of No 3, the new dwelling would not respect the more regular alignment of dwellings in the street and the surrounding area. The lack of any space between the new dwelling and No 3 would also not respect the regular spacing of dwellings in the locality. Therefore, the new dwelling would have a somewhat cramped appearance in relation to No 3.

7. The subdivision of the site would also mean that the new dwelling would occupy a very modest sized and awkwardly shaped plot compared with surrounding development. The amenity area would largely be at the side, with no external space at the front or rear separate from that of No 3. This would be substantially different to any other plots in the surrounding area. The boundaries are likely to be marked by some form of boundary treatment, thus giving visual emphasis to the site's limited size and irregular dimensions.

8. The above would all be substantially different to the existing unassuming appearance of the extension and would be entirely at odds with the characteristics of development in the street and the surrounding area identified above. As a result, the dwelling would be viewed as an alien feature in the street scene, poorly related to No 3 and would cause unacceptable harm to the character and appearance of the area.

9. Therefore, the proposal would not accord with Core Policy 8 of the adopted South Bucks Core Strategy (CS), as it would not be of a high standard of design which makes a positive contribution to the character of the area. The proposal would not accord with saved Policy EP3 of the adopted South Bucks District Local Plan (LP), as its scale, layout, height and design would not be compatible with the character of the site, adjoining development and the general locality. The proposal would also not accord with LP Policy H9, as it would not be compatible with local character in terms of design, height, scale and form and it would adversely affect the character of the locality.

10. Moreover, the proposal would be inconsistent with the guidance on good design at section 7 of the National Planning Policy Framework (the Framework). In particular, it would not respond to local character and history, reflect the identity of local surroundings or promote or reinforce local distinctiveness.

[1] South Bucks Townscape Character Study Part 2, Revision A, July 2015.

11. The TCS is not part of the Development Plan and I can only give it limited weight. Even so, the proposal would also be inconsistent with TCS recommendations, which include maintaining building lines, spacing and plot proportions, the style of extensions being informed by existing buildings and a consistent number of storeys along individual roads.

Highway safety

12. The proposal would provide two parking spaces in front of the adjacent dwelling and the new dwelling, served by an existing vehicular access. In addition, a new vehicle access would be formed at the northern end of the site to provide two parking spaces. All spaces would be shared by future occupiers of the new dwelling and No 3. The Highway Authority (HA) confirmed in their statement that they had no highway safety objections to the parking spaces served by the existing access and I have found no reason to disagree.

13. Table 7.1 of the Manual for Streets (MfS)[2] provides advice on achieving safe visibility from vehicular accesses. In this case, as vehicles could be travelling up to 30mph, the MfS recommends that visibility splays of 43 metres should be provided in each direction, measured 2.4 metres back into the access from the give way line. The HA have calculated that a visibility splay of 2.4 metres by 36 metres could be achieved to the south of the new access, with a visibility splay of 2.4 metres by 4 metres to the north. Based on what I saw at the site, the figure of 25 metres visibility in either direction suggested by the appellants seems very optimistic. Therefore, I have not been given good reason to doubt the accuracy of the HA measurements. Consequently, the visibility that could be achieved to the north in particular would fall well below the MfS recommended safe level. The land to the north is outside of the appellant's control and is not part of the highway. Accordingly, the level of visibility achievable from the new access could not be significantly improved.

14. I acknowledge that not all vehicles would be travelling along the street at 30mph, especially given its curved alignment, and that vehicle speeds of somewhere between 20mph and 30mph might be closer to the norm. From the limited vehicle movements I observed during my visit, there was nothing to suggest that typical vehicle speeds on the street would be as low as 10-20mph. Consequently, I have not seen any firm evidence to suggest that the recommended levels of visibility in the MfS could be significantly reduced in this case. Therefore, I find that the levels of visibility for vehicles emerging from the new access would be inadequate and would substantially increase the risk of vehicle collisions, posing an unacceptable risk to highway safety.

15. Whilst the new access might reduce use of the existing access, that would not significantly offset the harm to highway safety that would be caused. I accept that some existing vehicular accesses along the street might not achieve the MfS recommended levels of visibility. Even so, that is not a good reason to permit a further substandard access.

16. The new access would be close to a footpath link with Fern Drive. However, the land between the site and the path is partly occupied by a mature tree and is covered with other mature vegetation. This largely screens the site from the path and is outside of the appellant's control. As a result, there would be limited inter-visibility between users of the path and vehicles emerging from

[2] DoT/DCLG 2007.

the new access. In consequence, there would be an increased risk of pedestrians and cyclists using the path coming into conflict with vehicles. Any increase in natural surveillance of the path would not mitigate the harm to highway safety that would be caused.

17. The new access would not provide an on-site turning facility, so vehicles would have to reverse into the street or into the access. The new access would be sited directly opposite a vehicular access to 2 Minton Rise (No 2). This would lead to an increased risk of collisions between vehicles reversing from or into the new access and vehicles exiting No 2. The reversing movements would also increase the risks associated with significantly reduced levels of visibility and the absence of inter-visibility with the adjacent footpath.

18. There would be a reduction in reversing movements from the existing access due to cessation of the surgery use. Further, I note that few properties along the street have on-site turning areas. The occupiers of No 2 may reverse their vehicles onto and off the street at times. I also accept that accesses are opposite each other in other suburban situations. Even so, those are not good reasons for allowing development harmful to highway safety.

19. Whilst the HA did not object to the previous applications, no new vehicular access was involved. Although the Council did not object to the new access in pre-application discussions, that does not bind its decision. I could not impose a condition removing the new access, as by doing so I would materially alter the nature of the scheme, thereby potentially prejudicing interested parties.

20. Therefore, the proposal would not accord with saved LP Policy TR5, as it would not achieve an acceptable standard of highway safety. The failure to achieve safe and suitable access for all people would also be inconsistent with paragraph 32 of the Framework. The Local Transport Plan 4 (LTP) does not have the same status as the Development Plan. However, it has been adopted by the County Council and therefore carries some weight. The proposal would not accord with LTP Policy 17, as it would not ensure provision of safe and suitable access.

Other matters

21. I have taken the other matters raised by interested parties into account. The proposal would not result in unacceptable harm to the living conditions of occupiers of adjoining residential properties and there is no firm evidence to suggest that it would increase the risk of flooding. Consequently, I have given those concerns limited weight. I have also noted the comments regarding tree felling and the status of the footpath link. However, these are not material planning considerations and I cannot take them into account in my decision.

Conclusions

22. The proposal would not accord with the Development Plan and it would be inconsistent with the Framework. Therefore, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR