



Appeal Decision

Site visit made on 16 October 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 16th November 2017

Appeal Ref: APP/J0405/W/17/3179373

London Road Service Station, South Street, Wendover HP22 6EF

- 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 Eric Gadsden against the decision of Aylesbury Vale District Council.
 - The application Ref 16/02990/APP, dated 12 August 2016, was refused by notice dated 23 May 2017.
 - The development proposed is demolition of existing buildings and canopy and erection of 6 houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

3. The site currently accommodates a disused petrol filling station with garage/service station buildings in the Wendover Conservation Area. The site fronts onto South Street, a secondary distributor road providing the main access into Wendover from the A413 and is consequently highly trafficked. The road has a 30mph speed limit on the stretch in front of the site. Double yellow lines are painted on the road nearest to the site and the Council report high levels of on street parking on the opposite side of the carriageway. This accords with what I saw on my site visit.
4. The proposal would be served by an archway access between plots 1 and 2 of the development to a parking court at the rear of the properties. Whilst the number of vehicles entering and leaving the site would be less than the previous commercial use, the nature of the access would change with it comprising a more restricted width between 2 buildings. The Manual for Streets indicates that a carriageway width of less than 4.1 metres (as in this case) is unable to accommodate a 2 way flow of cars.
5. There is a likelihood that cars would seek to enter and exit the site simultaneously, particularly during peak travel times. In these circumstances incoming vehicles would likely have to wait on South Street or reverse back onto the street or into the courtyard. This would increase the risk of vehicular conflict and collisions within the access way and on the busy South Street.

Whilst there has not been a significant number of recorded personal injury accidents in the vicinity of the site in the last 5 years I am mindful that they do not represent a full comprehensive record of incidents, with a lack of data on unreported injury collisions¹ and damage-only collisions. Manoeuvrability issues and risk would be increased by parked cars opposite the site which would restrict the width of South Street. I do not consider that knowledge of the site and its access by users would mitigate the risk.

6. With the exception of plot 4, pedestrian access to the properties would be provided off the parking area. Although the primary function of the access way may be to access and exit the parking spaces in the courtyard, it is possible that pedestrians parking in the courtyard would want to access the properties via the front door on South Street or Witchell, which would necessitate the use of the access way. With no pedestrian access off the parking area those visiting plot 4 would have to use the access way.
7. The access way would not provide a segregated pedestrian facility but a shared surface for vehicles and pedestrians. Whilst the Manual for Streets does not stipulate the need for segregated provision for pedestrians on a shared surface, it does advise that shared spaces should make it easier for people to move around and 'create an environment in which pedestrians can walk, or stop and chat, without feeling intimidated by motor traffic'. Whilst the width of the proposed access could accommodate a pedestrian and a car there would be no refuge space for the pedestrian. I do not consider the access way to be sufficiently wide to allow safe pedestrian activity and vehicles to pass comfortably in a manner that would create the environment described in the Manual for Streets, even where vehicle speeds are low.
8. The proposal would harm highway and pedestrian safety and would consequently conflict with Policy 17 of Buckinghamshire's Local Transport Plan 4 which seeks to ensure that new development provides safe and suitable access. It would also conflict with the National Planning Policy Framework, which advises that planning decisions should take account of whether 'safe and suitable access to the site can be achieved for all people' and should 'create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians'.

Other Matters

9. Attention has been drawn to other cases where narrow accesses have been granted permission either by the Council or at appeal. I do not have all the details of these cases or the full reasons for their approval to enable me to draw a comprehensive comparison with the case before me. Furthermore, each case is determined on its own merits, and irrespective of the approach taken in determining these applications, I have reached my conclusion on the appeal based on the information available.
10. The part of the Wendover Conservation Area within which the site sits is characterised by properties that abut the footpath edge or are set back slightly behind small gardens. This creates an enclosed feel to the street scene. The Council has concluded that the proposal would constitute a sensitive redevelopment of the site that would also respect the setting of the Listed

¹ the County Council as highway authority indicates that this involves some 10 unreported incidents for every reported incident

Buildings in the vicinity, and I have no reason to disagree. The proposal would not adversely affect the valued qualities, significance and special interest of the Conservation Area and so would preserve its character and appearance. The appellant submits that a wider access would be harmful to the character and appearance of the Conservation Area, but I have limited evidence to substantiate this and have confined my considerations to the case before me.

11. The proposal would make a positive contribution to housing supply on a brownfield site in an appropriate location. The limited economic and social gains provided by the development, given its scale, would however be outweighed by the harm to highway safety.

Conclusion

12. For the reasons outlined above, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR