
Appeal Decision

Site visit made on 11 December 2018

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/J0405/W/18/3204923
271 Bicester Road, Aylesbury HP19 9BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Mohammed Israr against the decision of Aylesbury Vale District Council.
 - The application Ref 18/00909/APP, dated 13 December 2017, was refused by notice dated 11 June 2018.
 - The development proposed is the erection of 2 detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. In the banner heading above, I have used the description of development from the Council's refusal notice as this precisely describes the appeal proposal.
3. The National Planning Policy Framework was revised in February 2019 (revised Framework). I afforded the main parties a further opportunity to make further comments in respect of the revised Framework. I have taken the revised Framework into account as part of the determination of this appeal. The Council indicates an 11.7 year supply of housing land for the purposes of this appeal. This has not been disputed by the appellant and from the evidence I see no reason to doubt this.
4. I note the appellant has submitted revised plans to try to overcome the Council's concerns regarding highway safety. However, the proposed changes would be significant, with different implications, and the Council and third parties have not had a chance to comment on these. Therefore I have determined the appeal based on the Plans available to the Council when it refused planning permission.

Main Issues

5. The main issues are the effect of the proposal, firstly, on the character and appearance of the area and, secondly, on highway safety.

Reasons

Character and Appearance

6. The application site comprises part of the north facing rear garden of No 271 Bicester Road and adjoins the rear gardens of Nos 7-9 Brompton Close to the rear. The rear gardens of Nos 269 and 273 Bicester Road bound the site on either side.
7. No 271 itself comprises a large 2 storey detached dwelling finished in brown brick with a concrete tile roof and a large rear garden. A mix of close-boarded fencing and mature hedgerow bound the site on all sides. The majority of dwellings within the area, especially those along Stonehaven Road have long rear gardens with the exception of Monmouth Close, to the west and Brompton Close to the north.
8. The proposal is for the erection of 2 single storey detached dwellings to be set within the existing curtilage of 271 Bicester Road. The two proposed dwellings are identical in terms of their design. The interior layout of each house is set out with 2 bedrooms and living space, kitchen and shower room. Externally, to each of the proposed houses there would be a garden to the front and rear, with a parking area to the front of the site providing 2 spaces for each dwelling. Access to the site would be via the existing driveway of No 271. The materials proposed are brick and plain tiles to the roof.
9. I acknowledge that the dwellings would be single storey and would not be highly visible, as the existing dwelling would screen them. The building footprints would cover a relatively small proportion of the overall garden area of No 271. However, the proposed dwellings would fill the width of the appeal site with the sidewalls immediately adjacent to both side boundaries and only a narrow gap between the two proposed properties. The rear gardens would be very shallow. Even though the fronts of the proposed dwellings would be dominated by the car parking and access arrangements the plans under consideration do not demonstrate sufficient parking and manoeuvring areas.
10. For these reasons I conclude that the proposed development would have a cramped and contrived appearance which would be harmful to the character and appearance of the area. The development would therefore fail to achieve good design, a key planning principle of the Framework and would be contrary to policies GP35 and GP24 of the Aylesbury Vale District Local Plan 2004 (AVDLP) which requires development to respect the character of the local area and to provide satisfactory on-site parking.

Highway Safety

11. It was apparent from my site visit and from the traffic counts submitted by the Council that Bicester Road (A41) is a very busy primary route running from Aylesbury town centre which

experiences a high volume of traffic throughout the day. This section is a dual carriageway with roundabouts and has a 30mph speed limit.

12. There are a number of existing residential driveways accessed from Bicester Road, junctions with adjoining roads and accesses to petrol filling stations and retail parks, which appear to slow the free flow of traffic along this busy route. The site is within close proximity of a signalised pedestrian crossing and there is a footway running along the front of the site, which provides a pedestrian link to Aylesbury Town centre. The site has an existing vehicle access on one side and a pedestrian access on the other.
13. The Council has provided evidence that there have been a significant number of collisions in the vicinity of site. These have mostly been the result of vehicles slowing down for either the round about or turning into side roads and other cars failing to see this resulting in a collision.
14. The amount of additional traffic generated by a small-scale residential development such as that proposed in this appeal would be minimal. However, it would nevertheless increase the slowing and turning manoeuvres associated with the site and therefore increase the risk of collisions of a similar nature.
15. The original plans submitted with the planning application do not provide enough space to manoeuvre within the site (6 metres behind each car parking space is normally required). Turning and manoeuvring within the proposed car parking area would therefore be very difficult, particularly for larger vehicles, deliveries or emergency vehicles. This arrangement is likely to result in such vehicles parking on the street and then accessing the site on foot. It would also be likely to result in dangerous reversing manoeuvres out of the site on to the busy carriageway, with reduced visibility, which could result in collisions.
16. The plans show an access carriageway with a pinch point of 3.4 metres, which then widens to a maximum of 4 metres. This access width would be likely to cause vehicles approaching the site to stop unexpectedly or wait on Bicester Road for an opposing vehicle to exit the site. In addition, a vehicle turning right of Bicester Road into the site would have to cross two lanes of on coming traffic and would be delayed when attempting to cross, again adding to the risk of collision. Whilst satisfactory visibility splays could be achieved, this does not overcome my others concerns regarding highway safety, as set out above.
17. I note that the appellant states that he has never had to reverse out of the site. However, at present there is a large hard surfaced area in front of the property, which provides a large area for turning. This would not be available to any future occupiers of the new dwellings and as such they would be restricted to turning in the tight rear parking area and accessing and egressing the site via the long narrow driveway.

18. For the above reasons I therefore conclude that the development would result in an unacceptable impact upon highway safety. The proposals would therefore be contrary to Policy GP24 of the AVDLP, the Framework and the aims of Buckinghamshire's Local Transport Plan 4 March 2016 – 2036, which amongst other things all seek to achieve high levels of highway safety within development proposals.

Other Matters

19. The appellant has expressed dissatisfaction with the way in which the Council has handled the proposal. I am also aware that the proposal attempts to overcome concerns in relation to a previous proposal for flats, which was withdrawn (Ref 14/03436/AOP). However, I have reached my decision on the planning merits of the proposal before me.

Planning Balance and Conclusion

20. I acknowledge that the proposal would contribute towards the supply of housing sites in the District. However, the contribution from only two dwellings would be limited. There would also be some construction employment, although short-lived, arising out of the erection of the two dwellings. Furthermore, the site is in an accessible location and no doubt the occupiers of the dwellings would use facilities and amenities in the area thereby contributing positively from an economic point of view.
21. These benefits, however, are relatively modest and do not outweigh the harm that would arise to the character and appearance of the area and highway safety.
22. For the reasons outlined above, I find no material considerations that indicate the decision should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

Gemma Jenkinson

INSPECTOR