
Appeal Decision

Site visit made on 16 July 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/K0425/W/19/3219997

Mallards, Windsor Hill, Wooburn Green HP10 0EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs A Marsh against the decision of Wycombe District Council.
 - The application Ref 16/08500/OUT, dated 15 December 2016, was refused by notice dated 7 August 2018.
 - The development proposed is described as erect 2 detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was originally made in outline, with all matters reserved. Exercising its powers under paragraph 5(2) of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the Council however required details of access and layout to be provided at application stage. I have therefore assessed the appeal on the basis that outline planning permission is sought for 2 detached houses with the matters of scale, appearance and landscaping reserved for future consideration.
3. The parties indicate that a number of revised plans were submitted during the course of the Council's assessment of the planning application. I have therefore considered the appeal on the basis of the most recent set of revised plans, which are listed on the Council's decision notice.
4. The Council referenced Policy DM33 of the emerging Wycombe District Local Plan (the WDLP) within its decision. This plan has recently undergone examination, and the Inspectors Report has now been published. With regard to paragraph 48 of the National Planning Policy Framework (the Framework), given the very advanced stage of the WDLP, and taking into account the fact that no modifications have been made to Policy DM33, and no outstanding objections remain, I have given Policy DM33 significant weight in my reasons below.

Main Issue

5. The main issue is the effect of the development on highways safety.

Reasons

6. The development would make use of the existing access from Mallards onto Windsor Hill. The access passes over a bridge, and lies immediately adjacent to a second, humpbacked bridge, which carries Windsor Hill over the River Wye. It is necessary to cross this humpback bridge when exiting the access and turning right.
7. Windsor Hill runs downhill towards the bridge. It is a single-track road though it is wide enough in most places for 2 cars to pass. At the bridge the road narrows, with priority given to vehicles travelling up Windsor Hill. During my brief morning visit there was a reasonably steady flow of vehicles of various types and sizes in either direction. Data provided by the Highways Authority suggests that this level of use is typical, notwithstanding the fact that the parties dispute how it should be properly described.
8. Both parties agree that right hand visibility from and towards the access is obstructed by bridge parapets. The severity of the obstruction, and the level of risk associated with intensifying use of the access are however again disputed, as too is the potential for mitigation.
9. The driver of a vehicle approaching Windsor Hill along the access, has an opportunity to view traffic travelling downhill towards the bridge. This view is chiefly through a set of railings. Given that the viewing point lies further back from the edge of the road than a driver would be positioned if waiting to leave the access, the view exists only briefly, and whilst the vehicle is in transit. The submissions further suggest that this view is sometimes subject to obstruction by vegetation. As such use of this view does not represent a reliable way for a driver to check for oncoming traffic.
10. After a driver passes the above point, visibility to the right is significantly obstructed by the bridge parapet. Indeed, from a low driver seating position, small sized vehicles cannot be seen across a significant stretch of the road approaching the bridge, and even from a raised seating position, they are largely concealed. As such, potential exists for a driver using the access to be unaware of a vehicle approaching or manoeuvring to cross the bridge from the right. In these circumstances, and given continuing obstruction by the parapet, an oncoming vehicle might only become clearly visible to a driver pulling out and turning right, when it was part the way across the bridge. Given the limited time and space for the drivers to react, a reasonable risk of collision would exist.
11. The access is not clearly visible to drivers travelling down Windsor Hill towards the bridge, given that it is hidden by the bridge parapets. A vehicle travelling along the access might however be seen through the railings, and potentially also slightly above the line of the parapet. The view is however heavily congested by various structures, overhanging trees, subject to shading, and potential obstruction by foreground vegetation.
12. Moreover, as the attention of a driver approaching the bridge is focused on on-coming traffic, it is reasonable to consider that such a driver, or indeed one manoeuvring their vehicle having given way to on-coming traffic, could be unaware of a vehicle moving along or waiting to pull out of the access. Notwithstanding the fact that the driver of a vehicle crossing the bridge may be travelling at a low or reduced speed, and would see the bonnet of a vehicle as

- it left the access, there would again be limited time and space for a driver to react, further indicating that a reasonable risk of collision exists.
13. With regard to cyclists and motorcyclists, inter-visibility would vary with seating and road position. The level of intervening obstruction would however cause each to be vulnerable to collision with a driver turning right from the access.
 14. There is no footpath across the bridge, though one exists either side. The footpath itself switches from the far side of the road opposite the access, to the nearside over the bridge. Pedestrians approaching the bridge down Windsor Hill have a reasonable view towards the access, which improves with proximity. From the access pedestrians can likewise be seen above the line of the parapet. Though very small children would not be as clearly seen as adults, if at all, it seems somewhat unlikely that very small children would walk along Windsor Hill and attempt to cross the bridge unaccompanied. The risk of collision with pedestrians therefore appears low, and would not be significantly increased as a result of the development.
 15. The appellants note that the relative increase in vehicle movements along Windsor Hill as a result of the development would be small. Be that as it may however, the more relevant consideration in this case is the interaction between the increased numbers of vehicles that would use the access, and other road users travelling along Windsor Hill.
 16. In this context, I have been provided with no evidence that accidents associated with use of the access have occurred in the past, despite the fact that the hazards described above already exist. It is nonetheless reasonable to consider that risk, and the probability of an accident occurring, would increase if use of the access itself increased.
 17. The fact that the maximum level of theoretical vehicle ownership and movements through the access could each double as a result of the development does not appear to be in dispute. Logically therefore, the potential risks arising from use of the access could also double. Figures within the submissions place the number of additional vehicle movements through the access at 20-24 per day; 10-12 of which would outward journeys. Given the level of observed and recorded use of Windsor Hill, even if taking the lowest figure, this would, in my view, be sufficient to give rise to a significant increase in risk to both users of the access, and other users of the highway.
 18. I accept that levels of vehicle ownership vary between households, and within households over time, and that the access could thus see an increase in use simply in relation to the existing dwellings it serves. This does not however alter the fact that were the development to take place an increase in vehicle movements would occur over and above any which might otherwise occur.
 19. The installation of a mirror opposite the access would aid visibility, and is proposed within the appellants' Stage 1 Road Safety Audit (RSA). But whilst the Highways Authority (the HA) appears unwilling to accept such an installation, it would not in any case be possible to guarantee that the reflective surface would remain clear at all times. As such, a mirror would not be a reliable means of securing safe use of the access.

20. Installation of a sensor operated light within the access is also proposed within the RSA, and would make vehicles seeking to exit more visible to oncoming traffic at night. Headlights would however also serve this function in the absence of a light, and additional lighting would do nothing to improve the safety of the access during daylight hours.
21. Give-way markings on the approach to the bridge are worn. The width of the road also allows vehicles waiting at the bridge to stop much closer than is indicated, which contributes to their concealment from the access. Renewing and setting the markings and signage further back from the bridge, as is further proposed within the RSA, could therefore assist visibility from the access. For this to be achieved however, the markings would need to be set quite some distance from the bridge, at a point where oncoming traffic might not yet be apparent, and where the road width would not otherwise indicate to drivers that stopping was essential. Consequently, drivers might not stop regardless of any road markings or signage which might be installed. As such measures would also not alter the existence of a blind spot on the approach to the bridge, or significantly improve visibility of vehicles within the access from Windsor Hill, they would not therefore represent a reliable means of securing the safe use of the access, even in combination with other measures proposed in the RSA.
22. The HA indicates that in its view bridge widening works would deliver a solution. This would indeed provide a splay from the access providing a greater level of inter-visibility. Use of a condition has been proposed by the HA, the effect of which would ultimately require the appellants to enter into a separate agreement with the HA to undertake the works.
23. It is however unclear from the evidence submitted whether bridge widening in the manner proposed is practical, the minimum necessary, or indeed the only possible solution, and I have been provided with little detailed information regarding the overall form that such works would take. I note that for the latter reason the Council objects to use of such a condition, and I agree that in broader planning terms, proper assessment of the scheme's impact is impossible in the absence of detailed information. The appellants are furthermore opposed to carrying out such works, despite having at one point proposed them. As such a condition requiring bridge widening works would not be appropriate.
24. The appellants note the further possibility of installing signage and a raised table both to assist traffic calming, and to increase driver awareness. However it is again not wholly clear what form these measures would take, how they would be laid out, or therefore how they would address the fundamental issue of obstructed vision outlined above.
25. The appellants have drawn attention to the existing access from Rivers Edge, and the Council's relatively recent approval of development there. Rivers Edge lies on the same side of the road as the appeal site, but on the opposite side of the bridge. The access serves a number of dwellings, and I agree with the appellants that visibility from it is restricted, particularly up Windsor Hill. It is however not subject to obstruction in the same way as the access serving the appeal site. Furthermore, I see no reason to consider why the existence of another access where visibility is poor, should justify the risk attached to allowing intensification in use of the access serving the appeal site.

26. I acknowledge that Manual for Streets 2 states that unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a problem. However, local evidence, as considered above, does not indicate that existing levels of visibility provide an acceptable or safe basis upon which to allow increased use of the access.
27. I note the analysis of county-wide accident statistics in the appellants' Transport Statement, which suggests that incidents involving residential driveways with poor visibility are low. This does not however provide reasonable grounds to consider that the specific risk associated with intensification of use of the access would be acceptable.
28. I have had regard to paragraph 108(b) of the Framework, which states that in assessing applications it should be ensured that safe and suitable access to a site can be secured for all users. I have also had regard to paragraph 109 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. As safe access cannot be secured, and as the development would have an unacceptable impact on highways safety, paragraphs 108 and 109 of the Framework each lend weight to the case to dismiss the appeal. Though paragraph 109 of the Framework also makes reference to residual cumulative impacts on the road network, this is a separate consideration to that of highways safety.
29. For the reasons outlined above I conclude that the development would have an unacceptably adverse effect on highways safety. It would therefore conflict with part 4 of Policy CS20 of the Wycombe Development Framework Adopted Core Strategy Development Plan Document 2008, and part 1(b) of Policy DM33 of the WDLP, each of which seek to secure safe access to development, consistent with objectives set out in the Framework as outlined above; and guidance set out in Highways Development Management Guidance: Managing the Transport and Travel Impact of New developments 2018, which is referenced in the supporting text of Policy DM33.

Other Matters

30. The site is located within Wooburn Green Conservation Area (the Conservation Area). I have therefore given special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and advice in the Framework to give great weight to the conservation of heritage assets.
31. I note that though the proposal is in outline, the Council is confident that an appropriate scheme could be delivered in clearance of reserved matters. Based on the evidence before me, and fact that the proposed layout would appear generally well related to that of existing development in the immediate setting, I see no particular reason to disagree. This does not however alter my findings with regard to the main issue.

Conclusion

32. For the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR