
Appeal Decision

Site visit made on 26 November 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/J0405/D/19/3236417

138 Buckingham Road, Aylesbury HP19 9QN

- 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 B Majeed against the decision of Aylesbury Vale District Council.
 - The application Ref 19/01863/APP, dated 15 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is described as 'dropped kurb to the front of 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 highway safety.

Reasons

3. The appeal site is located on Buckingham Road (A413), a main road that connects to Aylesbury town centre. The site is located near to a relatively large junction with Weedon Road which is controlled by traffic lights. To the rear of the site there is a shared access road which provides access to the garages and gardens of the properties on Buckingham Road. My site visit was only a snap shot of the vehicle movements on the road, but I was able to observe that the junction and the road, was a relatively busy route.
4. The proposal seeks to install a dropped kerb to connect the front of the property to Buckingham Road. On my site visit I viewed existing accesses around the appeal property, including those drawn to my attention by the appellant.
5. I noted that the car dealership opposite the site was now closed. Nevertheless, the access to the former car dealership was still evident and could be used by any subsequent user. The access for the dealership is much larger than that proposed by the appellant and users exiting the former dealership would have a clear view up and down the road. In addition, if turning northwards, the traffic would be more likely to be stationary or slowing due to the traffic lights.
6. I also noted the access to the existing shops near to the junction. However, this has the benefit of a keep clear zone on the road which allows for vehicles to enter and exit safely. The appellant has also highlighted the presence of existing dropped kerbs at a nearby property. Although these accesses are in-

situ, I have no information on when they were created or why they were deemed acceptable, and their presence does not justify allowing this appeal. In any case, I have assessed the proposal on its own planning merits.

7. I have not been presented with any substantive evidence by the appellant to support their contention that the proposed access would not harm highway safety. In my judgement, the proposed development would result in an access which raises a number of concerns in relation to highway safety. When turning southwards towards the town centre, vehicles would have to cross northbound traffic in order to turn south, which would lead to increased risk if vehicles did not let the vehicles across the road. The vehicle movements to and from the proposed access would be likely to cause conflict and interference with the free flow of traffic on the highway, particularly at peak times. Accordingly, I find this to be unacceptable in this location.
8. The dwelling already has an access route to the property from Weedon Road. Although I recognise that there is no set standard of how many accesses a property should have, any proposed access should not cause harm to highway safety.
9. For the reasons above I find that the proposed development would have a harmful impact on highway safety. This would conflict with paragraph 108 of the National Planning Policy Framework, which seeks to ensure that safe and suitable access is secured for all users. It would also be contrary to the highway safety aims of the Buckinghamshire's Local Transport Plan 4 (2016).

Other Matters

10. The appellant has suggested that the neighbouring property has also applied for a similar proposal and would be willing to have a communal dropped kerb. However, this suggested joint scheme is not before me and I must assess the appeal proposal as submitted.
11. The appellant has also suggested that they own multiple vehicles for their work, which makes access to the rear difficult, as well as the access route being too narrow, unlit, noisy and a safety concern for children. However, whilst I acknowledge these points, they do not outweigh the harm that I have identified above.

Conclusion

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

D Peppitt

INSPECTOR