



Appeal Decision

Site visit made on 20 January 2020 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/J0405/D/19/3236742

60 Elmhurst Road, Aylesbury, Buckinghamshire HP20 2EF

- 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 Michal Asid against the decision of Aylesbury Vale District Council.
 - The application Ref 19/01944/APP, dated 17 May 2019, was refused by notice dated 17 July 2019.
 - The proposed development is a dropped kerb.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on highway safety.

Reasons for the Recommendation

4. The appeal property is a two storey semi-detached dwelling located on Elmhurst Road, adjacent to the junction with Hulcombe Walk. The appeal property features a garden to the front and a low boundary wall which separates the property from Elmhurst Road. To the west side of the property is a paved parking area, accessed via a dropped kerb from Hulcombe Walk.
5. The proposal would introduce a dropped kerb at the front of the property along Elmhurst Road, creating an additional means of access to the appeal property. Elmhurst Road is a busy A class road, subject to a 30 miles per hour speed limit. There is a central island in the road, directly opposite the proposed location of the dropped kerb. The presence of this central island would allow access to vehicles travelling west bound only and similarly vehicles would only be able to exit the site in a westerly direction. The restricted nature of the access would result in an increased likelihood of vehicles undertaking potentially dangerous manoeuvres to access or exit the site if travelling or

wishing to travel in an easterly direction causing a hazard to other road users. The Highway Authority findings support my view.

6. There is a tree located on the grass verge in between the pavement and the road which would also, to some extent, limit views of the highway when exiting the site. The presence of the tree and central reserve, coupled with the busy nature of Elmhurst Road would result in an adverse impact on highway safety from the use of the proposed dropped kerb.
7. Whilst the appellant suggests that the existing access onto Hulcombe Walk could be used for vehicles approaching the site from the east or wishing to travel east, there is no certainty that this would be the case. The appellant has also highlighted the location of traffic lights close to the site which help to slow and stop traffic. However, whilst it is likely the traffic lights would slow traffic to some extent, I do not consider they would reduce the harm identified entirely.
8. Whilst it is acknowledged that there are other properties fronting Elmhurst Road with dropped kerbs, the majority are not located in front of a central island. Both parties make reference to an appeal decision for a similar proposal at No 27 Elmhurst Road (No 27) (APP/J0405/A/07/2056134/WF) which was refused on the grounds of highway safety issues. I do not have full details of this proposal or a copy of the appeal decision, but I noted on my site visit that the road outside No 27 does not have a central island and is some distance from the appeal property. The circumstances are therefore different, and the appeal has had no influence on my decision. The appellant has referred specifically to No 56 Elmhurst Road, whilst I do not have details as to whether planning permission has been granted for the current parking and access arrangements, the property is likely to encounter similar highway safety issues to those described above and does not serve to demonstrate that the proposal would be acceptable.
9. The proposal is contrary to the National Planning Policy Framework which seeks to prevent development that would have an unacceptable impact on highway safety. It is contrary to Buckinghamshire's Local Transport Plan 4 (March 2016 – 2036) and the Highways Development Management Guidance: Managing the transport and travel impact of new developments (July 2018) which support safe and suitable access proposals.

Other Matters

10. The appellant's wish to have an additional dropped kerb outside their property for convenience and ease are understood, however these considerations do not outweigh the harm identified.

Conclusion and Recommendation

11. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Kenneth Stone

INSPECTOR