



Appeal Decision

Site visit made on 10 March 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2020

Appeal Ref: APP/X0415/D/19/3243259
21 Mount Nugent, Chesham HP5 2NF

- 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 David Wharton against the decision of Chiltern District Council.
 - The application Ref PL/19/3424/FA, dated 5 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is to demolish front wall and form a new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is in a residential area of Chesham and is located on the western side of Mount Nugent, which from the evidence before me is an unclassified road. To the front of the appeal property is a bus lay-by.
4. The appeal premise is a mid-terraced property which is set at a lower land level than the highway. The property has also been extended at the front with a large porch.
5. From the submitted plans the frontage to the property is around 6.4 metres wide and between 3.7 and 5.2 metres deep (from the rear of the pavement to the front main wall of the dwelling). However, this does not include the front porch which reduces the available depth, including the necessary space in-front of the door to allow suitable access to the dwelling.
6. Although the submitted plans do not show any changes to the land levels, the Appellant has set out that the parking area would be flat. Given that this would involve raising the land levels, the need to get access to the front door would severely restrict the available space for the parking of a motor vehicle.
7. That said, even if a standard sized parking space¹ could be provided to the property frontage, this would inevitably be perpendicular to the house frontage. Given the highway layout to the front of the site, to gain access to such a

¹ which should be a minimum of 2.4 metres wide by 4.8 metres in length

space would invariably involve several manoeuvres across the pavement. In the alternative, any vehicle parked at the property would be likely to overhang the pavement and would provide an obstruction to passing pedestrians. To my mind, both of these scenarios would result in an unacceptable adverse effect on pedestrian safety.

8. Turning to vehicular safety matters, the access would be from the bus lay-by and any manoeuvring vehicle would be likely to be off the active carriageway. With that in mind, I consider that the proposal would be unlikely to result in a significant vehicle safety issue. However, that does not outweigh the harm to pedestrian safety.
9. I have also had regard to the suggested benefits of removing on street parking in the area and providing new drainage. At my site visit I also observed that there is an off-street parking area to the front of 25 and 27 Mount Nugent, which are at the opposite end of the bus lay-by. However, from what I observed, this parking area is much larger than that of the appeal site and does not have the same manoeuvring constraints. In considering the appeal proposal, I have also taken all of these factors into account. However, none of these factors provide for a compelling reason to grant planning permission for an otherwise unacceptable proposal.
10. For the above reasons the proposal would result in an unacceptable increase in danger to pedestrians and would therefore conflict with Policy TR2 and Policy TR3 of the Chiltern District Local Plan (1997) (as altered in 2001 and consolidated in 2007 and 2011) which amongst other matters seek to ensure that satisfactory access onto the existing highway network is provided and that standards of road safety for all users should be (at a minimum) be maintained.

Conclusion

11. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR