



Appeal Decision

Site visit made on 20 October 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/X0415/D/20/3252539

Honor Cottage, 15 Barley View, Prestwood, HP16 9BW

- 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 & Mrs Darren & Andrea Barrett against the decision of Buckinghamshire Council.
 - The application Ref PL/19/2772/FA, dated 10 August 2019, was refused by notice dated 3 April 2020.
 - The development proposed is dropped kerb crossover, hardstanding and replacement fencing.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. On the 1 April 2020, Chiltern District Council (CDC) merged, along with other Councils, into a new single Unitary Authority called Buckinghamshire Council. Whilst the original planning application was submitted to CDC, the decision was issued under the authority's new name which has been referred to in the banner heading above.
3. The site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and partially within the Metropolitan Green Belt. It is not a matter in dispute between the parties that the proposed development is not inappropriate and I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on highway safety.

Reasons

5. The appeal comprises a detached dwelling with vehicular access from Barley View and pedestrian access from High Street. The proposal includes the creation of a dropped kerb to facilitate a new vehicular access to the site from High Street, which is a classified road subject to 30mph speed restriction. The proposed layout of the driveway and hardstanding would accommodate parking, and cars would be able to enter and leave the site in a forward gear.
6. However, the visibility for the access would be limited. For vehicles exiting the site the visibility to the right would be particularly restricted due to the curvature of the road at this point and existing hedging to the frontage of the

- adjacent property. This existing landscaping falls outside the scope of the public highway and would not be within the control of the appellant.
7. The proposal would fall significantly short of the recommended visibility splay for a road of this nature. The appellant contends that the shortfall in the visibility splay would be less than that stated by the Council, particularly if a shorter setback were considered. They have also stated that there have been no accidents in the vicinity, though there is no detailed evidence to substantiate this.
 8. It is acknowledged that there can be flexibility with regards to the extent of visibility splays in slow-speed situations, and where there is no local evidence to the contrary. However, the submitted speed survey indicates that this is not the case at the appeal site, and it establishes that all 85th percentile figures are over the 30mph restriction.
 9. I also saw on my site visit that there is a regular flow of traffic along High Street in both directions. Whilst my site visit provides just a snapshot of traffic in the area it does reflect the concerns raised. Considering the alignment of the road, and details within the submitted speed survey, the evidence indicates that the required visibility splays should not be reduced in this instance.
 10. Any reduction in the setback of the splay may also result in vehicles protruding into the carriageway, and considering the curvature of the road, there would be limited opportunity for vehicles approaching the site from the right to see this from a reasonable distance. Considering the above, the proposals could lead to conflicts between vehicles to the detriment of highway safety.
 11. Although on my site visit, I did note cars parked inappropriately wholly on the footpath, the visibility to the left would be less restricted. Nevertheless, this would not address the harm I have identified above.
 12. The appellant states that the proposal would reinstate an access to the site, though from the details before me, it appears that the previous access now serves the adjacent property. The proposal would therefore introduce a new and additional access. Nevertheless, even if it were to be demonstrated that an access previously existed, I must consider the appeal scheme on the basis of the existing situation.
 13. It is acknowledged that there are other properties with vehicular access on to High Street, though the majority are further away from the bend in the road, where visibility would not be as restricted by the road layout or landscaping. With regards to the existing accesses at neighbouring properties which are closer to the bend, I do not have the full details of those schemes or the circumstances under which they were considered. These other sites do not, therefore, serve to demonstrate the proposal would be acceptable, and in any event each case must be considered on its own merits.
 14. The property does have an existing access from Barley View, which is a cul-de-sac and a lower classification road. Whilst I appreciate the concerns the appellant has with this access often being restricted by inconsiderate parking, there are no details to suggest the appeal scheme is the only way to address this.
 15. The appellant states that the proposals would address existing issues with the width of the highway at Barley View, though the site is at the end of the cul-

de-sac and there is no information on the nature and extent of works required, or to demonstrate that they would necessitate the removal of the existing vehicular access.

16. I note that the proposal would provide for an improved outdoor garden area, though I am mindful that this benefit would be personal to the appellant, and the garden area could be enclosed without relocating the access.
17. Considering the limited visibility, the provision of an access from High Street would result in an unacceptable risk to highway safety. The proposal would therefore conflict with Policies TR2 and TR3 of the Chiltern District Local Plan, 1997¹ and Policies CS25 and CS26 of the Core Strategy for Chiltern District, 2011, which amongst other things, seek to ensure that satisfactory access is provided onto the highway network with access being taken from the lowest category of road wherever possible.
18. For the same reasons the proposal would also fail to accord with Paragraph 109 of the National Planning Policy Framework which states that proposals should be refused if there would be an unacceptable impact on highway safety, and Buckinghamshire's Local Transport Plan 4 and the Buckinghamshire County Council Highways Development Management Guidance document, 2018 which, amongst other things, require the provision of safe and suitable access proposals.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR

¹ Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 & November 2011.