

Appeal Decision

Site visit made on 17 November 2020

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020.

Appeal Ref: APP/X0415/D/20/3253104

Land to rear of 1 Oakington Avenue, Little Chalfont, HP6 6SY

- 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 Ben & Cheryl Lowry against the decision of Buckinghamshire Council.
 - The application Ref PL/20/0689/FA, dated 24 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is construction of a permanent vehicular access onto Amersham Road.
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Decision

1. The appeal is dismissed.

Procedural matter

2. On 1 April 2020 Buckinghamshire Council was formed through the amalgamation of the four former Buckinghamshire District Councils, including Chiltern District Council, and the County Council. The application was therefore determined by the new Buckinghamshire Council. Nevertheless, all of the former Chiltern District Council planning policies set out in the decision notice remain extant and relevant to this appeal.

Main Issue

3. There is one main issue which is the effect of the proposed access on highway safety on the A404, Amersham Road.

Reasons

4. The appeal proposal comprises a vehicular access and crossover onto the A404, Amersham Road, to serve a dwelling that has been permitted. The extant permission provides for pedestrian access via 1 Oakington Avenue with vehicular parking on the frontage of that dwelling. It followed two previous applications for a dwelling with direct vehicular access from the A404 that were refused and subsequently dismissed on appeal on 10 July 2019 (APP/X0415/W/18/3203607 & 3212479).
 5. The A404 is a busy road that provides a direct link between Amersham and the M25 at junction 18. At the time of my site visit, a weekday mid-morning, there was a steady level of traffic. However, my visit fell during the second Covid-19
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national lockdown and, having regard to the Council's evidence that this section of road carries some 16,000 – 18,000 vehicles per day, I consider that the level of traffic I saw was atypical and that the road would, under normal conditions, be significantly busier.

6. The road lies within the urban area and has a 30 mph speed limit. Nevertheless, I did not see any other private accesses in the vicinity of the appeal site. There is a pedestrian crossing a short distance to the east and close to it a speed camera monitoring traffic on its approach to the centre of Little Chalfont. The road falls to the west towards the centre, a bend and a railway bridge. Opposite the appeal site is a junction serving Chalfont Avenue which provides access to a service road of dwellings, a large residential area and the station car park. The appellants point out that it is not the only route to the car park, since it can be reached via the northern end of Chalfont Avenue or via Bedford Avenue. However, from most directions it would be the most direct and obvious route.
7. The Council states that the road is a Strategic Inter-Urban Route, as set out in the Buckinghamshire Network Hierarchy (BNH), 2009. As explained in paragraph 6.19.1 of the document, these strategic distributor roads link the main towns of the County to the Regional and National highway network.
8. The appellants dispute this designation and refer to a report to the Deputy Leader and Cabinet Member for Transportation dated 25 July 2017 entitled "Network Maintenance Hierarchy Review" which identifies the route as a "Main Distributor". However, the report explains that the maintenance hierarchy was established to support the creation of levels of service (such as winter gritting) to promote good asset management practice. It appears that this is a different hierarchy from that set out in the BNH and was established for a particular purpose. I am therefore satisfied by the evidence that the A404 Amersham Road in the vicinity of the appeal site is classified as a Strategic Inter-Urban Route. The BNH advises that on such roads the number of junctions should be minimised in order to maximise capacity and safety.
9. Policy CS26 of the Core Strategy for Chiltern District (CS), 2011, and saved Policy TR2 of the Chiltern District Local Plan (LP) adopted in 1997, consolidated September 2007 & November 2011, taken together expect new development to be appropriately located to the road network and provide satisfactory vehicular access so that the convenience, safety and free flow of traffic using public highways (including pedestrians, riders and cyclists) are not adversely affected. Standards of road safety for all users should, at a minimum, be maintained. In general, access will not be permitted onto the primary road network, or routes designated as "routes of more than local importance". The Buckinghamshire County Council Highways Development Management Guidance document (HDMG), 2018, sets out similar standards.
10. These policies accord with the National Planning Policy Framework (NPPF) which expects development to achieve safe and suitable access for all users which minimises the scope for conflict between pedestrians, cyclists and vehicles and respond to local character and design standards .
11. The proposed access would introduce turning and slowing movements and vehicles turning right into the site would need to wait in the carriageway for a gap in oncoming traffic. This would be unexpected on this section of highway

which has no other private accesses nearby. The location of the access, opposite Chalfont Avenue, would introduce potential conflict, especially at peak times when, according to the evidence, the junction suffers from congestion. A footway that would be crossed by the proposed access provides a walking route between a residential area, including a primary school, and the centre of Little Chalfont. The crossover would introduce a source of potential conflict between pedestrians and vehicles. Moreover, the closest recorded collision to the site (30m) involved a car colliding with a pedestrian and third party evidence suggests this was a child.

12. The appellants argue that the number of vehicle movements associated with the access would be small and that any increase in risk to highway safety would be minimal. They refer to the fact that the access would meet design standards for a 30mph road and that a Stage 1 safety audit identified a low level of risk. Moreover, they consider that the speed camera makes the road safer in the vicinity of the appeal site than elsewhere. They also suggest that the Highways Authority has been inconsistent in its advice because other private accesses have been permitted off the A404 elsewhere.
13. The A404 is a busy, strategic route and even a small increase in turning movements would result in a material increase in risk of conflict with other road users, notwithstanding that visibility standards could be met. The speed camera is likely to slow traffic but the Department for Transport stipulates that most speed cameras must be located where there is a record of death or serious injury and speeding is a problem. Therefore while the speed camera may make the location safer than it was before, this does not imply a higher level of safety than elsewhere. Moreover, the safety audit appears to be limited in scope and the examples of other accesses are not comparable because the characteristics of the road and area are materially different from those at the appeal site. Finally, the appellants refer to Manual for Streets but this is not directly relevant because it relates primarily to low trafficked residential streets. Overall, I afford these matters limited weight and find that they would not amount to a justification for the proposed access.
14. It is concluded on the main issue that the proposed access would result in material harm to highway safety on the A404, Amersham Road. In consequence, it would conflict with CS Policy CS26, saved LP Policy TR2, the NPPF and guidance set out in the BNH and HDMG.
15. The appellants refer to their personal circumstances, such as working from home and that their children would attend the local primary school so vehicular movements would be minimal. However, these circumstances would change with time but an access, if allowed, would be permanent. These matters therefore carry little weight.
16. For the reasons set out above and having regard to all other matters raised, including difficulties regarding the construction access and views expressed by the appellants' agent regarding the previous appeal decisions, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR