



Appeal Decision

Site visit made on 9 October 2020

by Elaine Benson BA (Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 09/12/2020

Appeal Ref: APP/K0425/D/20/3254621

3 Ridgeway Close, Marlow, Buckinghamshire SL7 3LJ

- 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 Merrilees against the decision of Buckinghamshire Council.
 - The application Ref 20/05040/FUL, dated 7 January 2020, was refused by notice dated 17 June 2020.
 - The development proposed is single storey side and rear extensions and formation of enlarged vehicle hardstanding.
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Preliminary Matters

1. Since the determination of the appeal application, a Certificate of Lawful Proposed Use or Development, Ref 20/06332/CLP was issued on 28 July 2010. It certified that the relevant access and parking arrangements would be lawful. Following this, a second application for planning permission for the same development as that described above was approved by the Council, Ref 20/07064/FUL.
2. In the course of determining the appeal planning application, a series of revised drawings submitted by the appellants were not formally accepted as amendments by the Council. Consequently, the original versions of the drawings are referenced in the decision notice. Nonetheless, this appeal decision is based upon the final version of drawings. There would be no prejudice to either party from proceeding on this basis because the views of the Highway Authority (HA) on the changes have been provided. Whilst the revisions were not subject to consultation with neighbours, the form of the extensions was unchanged and the only objection raised did not relate to access or parking issues. Furthermore, the subject drawings are those which are referenced in the decision notice 20/07064/FUL for which planning permission was granted.

Decision

3. The appeal is allowed and planning permission is granted for single storey side and rear extensions and formation of enlarged vehicle hardstanding at 3 Ridgeway Close, Marlow, Buckinghamshire SL7 3LJ in accordance with the terms of the application, Ref 20/05040/FUL, dated 7 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans 1739-sk-01P, 1739-sk-02M and 1739-sk-03A.
- 3) The materials used for the external surfaces of the extensions, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building.

Application for costs

4. An application for costs was made by Mr & Mrs Merrilees against Buckinghamshire Council. This application is the subject of a separate Decision.

Reasons

5. The Council raised no objections to the extensions. Notwithstanding that the same development has been approved by the Council, I have considered the concerns of a neighbour that the rear part of the extension would seriously overshadow the southern aspect of their conservatory, thereby harming their living conditions. Having considered the sizes and relationship of the conservatory and the proposed rear extension, I am satisfied that there would be no harmful loss of amenity to neighbouring occupiers. There are therefore no reasons to disagree with the Council's conclusions on these matters.
6. The main issue in this appeal therefore concerns the creation of a hardstanding parking area and the widening of the access from the road.
7. The appeal property (No 3) stands within a small cul-de-sac of similar properties, each with its own parking spaces. No 3 shares a vehicular access with No 5. Ridgway Close is an unclassified road, is not a through route and has no parking restrictions. Opposite is a grassed amenity area.
8. The initial site layout plan showed a substandard parking space on the frontage when assessed against the HA's parking standards and specifications. However, the revised layout indicates that the dimensions of the 2 proposed and size compliant parking spaces would prevent vehicles overhanging the adjacent pavement. The vehicle tracking diagram shows that these spaces could be accessed without passing repeatedly over the adjacent pavement. Furthermore, given that the shared access already exceeds the standard width given in the parking specifications, there is little reason to object to its widening based upon the standards and specifications alone.
9. Parking conditions during my site visit reflect only a snapshot in time. However, there is no evidence of parking pressures in the locality which might lead to highway safety concerns. Furthermore, even if vehicles were displaced to park onto the road outside No 3, there is little to demonstrate that this would lead to unsafe highway conditions.
10. I am not persuaded that the angle of the vehicular access to No 3 would lead to damage to the verge or destruction of the highway asset as the decision notice states. In any event such damage would be addressed by other legislation.

11. The reason for refusing the application related to matters which have subsequently been formally confirmed to constitute permitted development. This appears to be the basis upon which the later planning application 20/07064/FUL was approved. This appeal should be determined on the same basis. Moreover, I conclude that the proposal would not be detrimental to public or highway safety or cause damage to the highway infrastructure. For these reasons there is no conflict with Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the Wycombe District Local Plan (August 2019), Buckinghamshire County Council Local Transport Plan 4 (April 2016), the Buckinghamshire County Council Buckinghamshire Countrywide Parking Guidance Policy (September 2015) and the Buckinghamshire County Council Highways Development Management Guidance document (July 2018).
12. Accordingly, the appeal is allowed.

Conditions

13. I have taken into account the conditions suggested by the Council and appellant. A condition is imposed requiring the external materials of the extensions to match those of the existing building to ensure a satisfactory appearance. I have identified by condition which are the approved drawings for the avoidance of doubt. The Council suggests a condition to secure and retain the parking and access prior to bringing the proposed extensions into use in the interests of highway safety. However, as I have found no adverse impact on highway safety, such a condition would be unreasonable and unnecessary.

Elaine Benson

INSPECTOR