
Appeal Decision

Site visit made on 11 January 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/J0405/D/20/3260391
8 Granborough Road, Winslow MK18 3BP

- 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 and Mrs Trueman against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref 20/01534/APP, dated 14 May 2020, was refused by notice dated 7 August 2020.
 - The development proposed is provision of new access, hardsurfacing and car parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of new access, hardsurfacing and car parking spaces at 8 Granborough Road, Winslow MK18 3BP in accordance with the terms of the application, Ref 20/01534/APP, dated 14 May 2020, subject to the conditions set out at the end of this decision.

Preliminary Matters

2. The emerging Vale of Aylesbury Local Plan (the VALP) was submitted by the Council for examination in February 2018. Since then modifications have been made and consulted upon. Whilst the VALP is at an advanced stage, it is currently unclear whether further public hearing sessions and/or modifications shall be required. The VALP is thus at a stage that attracts moderate weight and I shall consider the appeal on this basis.
3. The planning application that is now the subject of this appeal was originally refused for two separate reasons. However, the Council has indicated that, following the submission of a Tree Survey Report (September 2020), it no longer wishes to rely upon its second reason for refusal, which related to insufficient evidence having previously been provided to enable a full assessment to be made of the impact upon nearby trees. I shall determine the appeal on this basis.

Main Issue

4. The effect upon the character and appearance of the area.

Reasons

5. Granborough Road (the road) is a route that serves and provides access to various residential properties within the confines of Winslow. Notwithstanding

this, the road often sits alongside grassed verges, hedgerows and other planted features. Indeed, the appeal property itself makes up part of a row of eight semi-detached properties (the row) that is setback behind planting in place to the road's western side. The road, where local to the site, has a green and semi-rural character and appearance, and this would remain the case even should an existing planning permission¹ be implemented, as anticipated, to provide residential development and a new access to the road's eastern side.

6. The proposal is seeking to provide vehicular access and involves punctuating the band of planting that is in place to the road's western side. It is relevant to note that, notwithstanding a historic permission² put before me, none of the properties contained within the row are currently served by a vehicular access. A continuously planted border to the road is thus in place at and in immediate proximity to the site. The proposal would erode the continuity of this planted edge and would be at odds with the green and semi-rural character and appearance that I have identified locally.
7. Nevertheless, it must also be noted that a number of existing accesses already serve properties positioned to the road's western side relatively nearby. Furthermore, whilst I have taken into account that my visit to the site took place during winter months and thus at a time of the year when deciduous planting would not have been in full leaf, it was observable that the buffer of planting that exists to the front of the row is not substantial.
8. Indeed, it was apparent that the proposal would necessitate the removal of merely a narrow and shallow extent of hedgerow/shrubbery, and of no significant individual specimens. I am satisfied that no substantive additional works to planting would be required to either side of the access in order to provide suitable levels of visibility for future users. Furthermore, it is pertinent that, owing to changing levels, the newly proposed paved driveway would have a discreet presence when viewed from the road.
9. I have noted concerns that the scheme could set a precedent for other properties within the row (or close by) seeking to apply for vehicular accesses. However, for the avoidance of doubt, it is my responsibility to consider only the appeal proposal that is before me based upon its own individual merits.
10. All matters considered, the proposal would cause a limited degree of harm to the character and appearance of the area through eroding the continuity of a planted frontage. In this sense the proposal conflicts with Policy GP35 of the Aylesbury Vale District Local Plan (January 2004) and emerging Policy BE2 of the VALP in so far as these policies require new development proposals to respect and complement the physical characteristics of the site and the surroundings and the natural qualities and features of the area.

Other Matters and the Planning Balance

11. The road abuts the boundary of the Winslow Conservation Area (the CA). Its significance as a designated heritage asset is drawn, in-part, from its numerous green spaces and often visually important planting. The proposal, which involves minor works and a limited extent of vegetation removal, would not materially affect the CA's setting and would thus preserve its character and appearance.

¹ 18/04162/APP

² 12/01455/APP at No 4 Granborough Road

12. The appellants have set out that the proposal is motivated by a desire to improve access arrangements for their disabled daughter. Indeed, the complex and severe nature of their daughter's disabilities have been corroborated by a social worker employed by the County Council. I have had regard to the equalities implications and associated duties arising. When noting the particular site circumstances to hand, which include levels differences and on-street parking of an unallocated nature, I find that considerable weight must be attached to the benefits of the accessibility improvements that would result from the proposal.
13. Furthermore, the proposal would reasonably be expected to lead to a decrease in demand for on-street parking in the site's vicinity. This would provide a modest benefit in highway safety terms, to which I apportion limited weight.
14. I have identified that the proposal would cause harm to the character and appearance of the area and would conflict with Local Plan Policy GP35 and emerging Policy BE2 of the VALP. However, the proposal's benefits, when considered cumulatively, would be significant and would outweigh the limited harm identified. There are thus material considerations that indicate that the proposal should be determined otherwise than in accordance with the development plan in this instance.

Conditions

15. The Council, in their role as Highway Authority (the HA), suggested several potential conditions at planning application stage and the appellants have awareness of their suggestions. I have considered these against advice in the National Planning Policy Framework (February 2019) and Planning Practice Guidance and, as a result, have amended a couple of them for consistency and clarity purposes and omitted others.
16. In the interests of certainty, a condition specifying the approved plans is required. Given that the approved site plan clearly depicts the extent of the new access and that a separate license would be required before any works could be carried out within the public highway, I do not consider it necessary to impose a condition referencing a Council guidance document on such matters.
17. In the interests of highway and pedestrian safety, a condition setting out that the newly permitted driveway is to be laid out in full prior to the new access's first use and retained solely for the purposes of parking and manoeuvring vehicles is both reasonable and necessary. In the interests of pedestrian safety, a condition requiring that pedestrian visibility splays are provided and retained to either side of the access where it meets the footpath to the plot's frontage is both reasonable and necessary.
18. Whilst the HA has suggested that a condition be imposed requiring that 43m by 2m vehicular visibility splays be provided and thereafter retained, such splays would, for the most part, fall outside of the limits of the appeal site. In any event, I am content from inspection that no substantive clearance/pruning works would be required to attain satisfactory levels of visibility along what is a road of straight alignment close to the site. Indeed, the existing planting is setback from the carriageway. A vehicular visibility splay condition is thus not necessary.

19. Whilst one of the submitted Tree Survey Report's recommendations refers to potential new planting to the edges of the new access drive and the appellant has referenced a possible condition in this regard to mitigate intended planting losses, such new planting would hold some potential to restrict visibility for future users of the access and, in any event, would be unnecessary in the context of the wider conclusions I have drawn.

Conclusion

20. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (8 January 2020); 19/1282/03.
- 3) Prior to the first use of the new access hereby permitted, the permeable block paved driveway (as depicted upon approved plan 19/1282/03) shall be laid out in full and shall be retained solely for the purposes of parking and manoeuvring vehicles thereafter.
- 4) Prior to the first use of the new access hereby permitted, pedestrian visibility splays of 2m by 2m shall be provided to each side of the access. The depths shall be measured from the back of the footpath (as depicted upon approved plan 19/1282/03) and the widths shall be measured outwards from the edges of the access. The areas contained within the pedestrian visibility splays shall be kept clear of any obstruction above 0.6m in height measured from ground level.