
Appeal Decision

Site visit made on 4 February 2021

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/N0410/D/20/3262315

Langdale, Farnham Park Lane, Farnham Royal, SL2 3LP

- 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 Giles Smith against the decision of Buckinghamshire Council.
 - The application Ref PL/20/1854/FA, dated 15 June 2020, was refused by notice dated 5 October 2020.
 - The development proposed is a new vehicular access with a pair of 4.2m wide electronically operated gates and piers along line of privet hedge and set back 4.2m from kerb line measured at centre of gates, build curved connecting wall from piers. Fence off existing drive entrance and plant new hedging.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicular access with a pair of 4.2m wide electronically operated gates and piers along line of privet hedge and set back 4.2m from kerb line measured at centre of gates, build curved connecting wall from piers. Fence off existing drive entrance and plant new hedging at Langdale Farnham Park Lane Farnham Royal SL2 3LP in accordance with the terms of the application, Ref PL/20/1854/FA, dated 15 June 2020, and the plans submitted with it, 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: PL01 and PL02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The new access to Farnham Park Lane shall be designed in accordance with the approved plans. The access shall be constructed in accordance with Buckinghamshire County Council's Guidance Note 'Private Vehicular Access within Highway Limits' 2013.
 - 5) The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the initial commencement of the development hereby permitted and the area shall not thereafter be used for any other purpose.

Procedural Matters

2. The Council amended the description of the development and I note that the appellant has also utilised this description on the appeal form. I have adopted the Council's description of the development as this provides a more succinct description.
3. The property is located within the Green Belt. This matter is not at issue between the parties and the Council has accepted that the proposal is not inappropriate development within the Green Belt. I agree with this assessment and my decision deals solely with the reason for refusal given by the Council.
4. On my site visit I noted that piers have been partially constructed. For the avoidance of doubt I have determined the appeal on the basis of the application as submitted.

Main Issue

5. The effect of the proposed access arrangements on highway safety, with particular regard to visibility.

Reasons

6. Farnham Park Lane is an unclassified road with a 30mph speed restriction. At the time of my visit, it was lightly trafficked. The appeal property (Langdale) is situated on a part of the road where it is relatively straight with bends to the road in both directions beyond its boundaries. There are no formal parking or waiting restrictions and the road does not have the benefit of footways. The road is narrow in parts beyond the boundaries of Langdale. On my site visit I noted that vehicles travelling towards the bend to the west of Langdale slowed down significantly to negotiate the bend and the narrowing of the road in this location. Vehicular access to Langdale is via a driveway located at the eastern side of the property frontage. In this location the verge is narrow and there is established vegetation, including a tree located in the neighbouring property. As a result visibility is severely restricted in both directions, even if vehicles exit in a forward direction.
7. The relocation of the vehicular access from the eastern end to the wider western end of the property frontage away from the corner point of the dwelling, would enable a reconfiguration of the internal manoeuvring/parking area and a widening of the access. This reconfiguration, together with the opening of the vehicular access where the grass verge is wider, would improve the access, visibility and the internal parking arrangements and manoeuvrability within the site. This would enable vehicles to manoeuvre more easily and to be able to exit Langdale in forward gear. This would lead in my view to an improvement in highway safety.
8. Overall, visibility at Langdale would be improved by the relocation of the access. There would still be some restricted visibility to the west due to its closer proximity to the bend and the presence of a telegraph pole in the grass verge. However, the set back of the gates some 4.2 metres from the highway and the wider splayed access would afford a degree of visibility to the driver of a vehicle exiting in forward gear. In addition, at this point oncoming vehicles from this direction would be travelling on the opposite side of the road, and any vehicle exiting from Langdale would be able to do so in forward gear.

9. The Council has suggested that consideration be given to a more central access to achieve better visibility in both directions. However, this would place the access almost opposite the access to the dwelling across the road and would not use the maximum space available to achieve the reconfigured access and parking/manoeuvrability arrangements. In addition, it would also involve the removal of a significant part of the hedge to the frontage. As such, I do not consider that this alternative would be a meaningful improvement to that proposed.
10. In this location I do not consider that the proposal would have an adverse impact on highway safety sufficient to justify a refusal of permission. Notwithstanding that the proposal would fail to comply with existing visibility guidelines contained in Manual for Streets, the proposed scheme would improve visibility at this location in both directions. Nor has the Council provided detailed evidence to support its concerns as to visibility or any records of previous traffic incidents in this location. Further the proposal would not increase the number of vehicular accesses at Langdale.
11. Accordingly, I do not consider that the proposal would result in unacceptable harm to the safety of highway users. As such, the development would not be in conflict with the Buckinghamshire Council Local Transport Plan 4 (2016) and the Buckinghamshire Council Highways Development Management Guidance document (2018) and Policy TR5 of the South Bucks District Local Plan (1999) with regards to highway safety. Nor would it be in conflict with the National Planning Policy Framework which requires that applications should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other matters

12. I note that the Council has raised no concerns with regard to the amenity of the occupiers of neighbouring properties and the character and appearance of the property and its surrounding area. I agree with the Council in this assessment.

Conditions

13. Conditions in respect of timescales and specifying the approved plans are necessary as this provides certainty. A condition regarding the materials to be used are necessary to ensure that the appearance of the development is satisfactory. Conditions regarding the construction of the access, and the implementation and retention of parking and manoeuvrability arrangements are necessary to ensure highway safety.

Conclusion

14. For the reasons given I allow the appeal as set out in the formal decision above.

K Winnard

INSPECTOR