The Planning Inspectorate

Appeal Decision

Site Visit made on 18 February 2021

by Scott Britnell

an Inspector appointed by the Secretary of State

Decision date: 15 March 2021

Appeal Ref: APP/K0425/D/20/3262281
36 Station Road, Loudwater HP10 9UN

- 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 Clifton Anderson against the decision of Buckinghamshire Council.
- The application Ref 20/06643/FUL, dated 1 July 2020, was refused by notice dated 1 September 2020.
- The development proposed is described as 'drop kerb'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner header above, which is taken from the application form, it is clear from the plans and accompanying details that the proposal comprises the provision of a vehicular access onto a classified road. The Council dealt with the proposal on that basis and so shall I.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal site is located on the north west side of Station Road, which is subject to a 30mph speed limit and double yellow lines either side of the carriageway in this location. At the time of my visit the road was busy with traffic passing the appeal site. While my observations represent a snapshot in time, there is nothing before me to indicate that the road conditions that I witnessed were not typical.

5. Applying the guidance in Manual for Streets (2007), vehicular accesses in built-up areas subject to a 30mph limit should have visibility splays formed by taking a measurement of 2.4 metres back from the edge of the carriageway (the X axis) and then drawing a line measuring 43 metres in either direction to the near-side edge of the carriageway (the Y axis). In this case, the Y axis is drawn to the centre of the carriageway when looking left from the access and between the near-side and the centre of the carriageway to the right. Consequently, the proposal fails to demonstrate that the required visibility splays can be achieved over land under the appellant's control.

6. Moreover, there is a large brick wall along the west boundary of the appeal site. There is no evidence before me to indicate that the wall is within the

appellant's control. Due to its size, visibility for drivers exiting the site is greatly restricted by the wall and it is likely that they would be unable to see other road users, including cyclists and pedestrians until their vehicle is on the highway. Drivers of on-coming vehicles and other road users would also be unlikely to see vehicles exiting the site as they approach it. Therefore, the proposal would increase the risk of collision between highway users, which would be harmful to highway safety.

7. The above harm would be exacerbated by the presence of the bus stop immediately adjacent to the site. Given the lack of visibility afforded to users exiting the appeal site, the proposal is likely to increase the risk of collision with people waiting at this stop, while waiting passengers are also likely to impede visibility. Moreover, buses may be required to stop suddenly while a vehicle entering or exiting the appeal site is undertaking manoeuvres to do so.

8. I conclude that the proposal would result in harm to highway safety. There would be conflict with Policy DM33 of the Wycombe District Local Plan Adopted August 2019, Buckinghamshire's Local Transport Plan 4 March 2016-2036[1] and the Highways Development Management Guidance: Managing the transport and travel impact of new developments July 2018. Collectively, these seek, among other things, to ensure that developments provide safe and suitable accesses to the local highway network for all users. There would also be conflict with Paragraph 108b of the National Planning Policy Framework which states that in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

Other Matters

9. The appellant suggests that the Council did not undertake a site visit to consider the application and that in making their decision they did not take into account previous comments and works undertaken following an earlier application at the site. However, I have assessed the proposal on its merits and consider it to be unacceptable for the reasons that I have set out. These are, therefore, not determinative matters in this appeal.

10. There is a large tree in the adjacent premises at 38 Station Road in close proximity to the appeal site, which is protected by a Tree Preservation Order. However, no further information has been submitted including with regards to whether the proposal would impact upon the health of the tree. As I am dismissing the appeal in any case, this is not a determinative matter at this time.

Conclusion

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

Scott Britnell

INSPECTOR

[1] While the document is undated, the Council's decision notice indicates that it was adopted in April 2016.