



Appeal Decision

Site Visit made on 23 August 2021

by James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 26 August 2021

Appeal Ref: APP/J0405/D/21/3273662

101 Bicester Road, Aylesbury HP19 9AZ

- 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 Ms Michelle Hird against the decision of Buckinghamshire Council.
 - The application Ref 20/04187/APP, dated 5 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is a dropped kerb to provide vehicular access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issue of this appeal, so I have therefore determined this appeal with regard to the current version, published in July 2021.
3. I have taken the description of the development from the Council's decision notice, as this more accurately describes the physical elements of the proposed development.

Main Issue

4. The main issue is the effect of the proposed development on highway safety.

Reasons

5. The appeal property is a two-storey terraced dwelling situated on the northern side of Bicester Road, which is a busy A road leading in and out of Aylesbury. The property has a modest garden to the front, which is largely enclosed by a low brick wall and hedgerow. There is residential parking which runs parallel with the road just beyond the pavement to the front of the property.
6. The proposed development would drop approximately 4.5m of the kerb to the front of the property, in order to facilitate vehicular access in and out. Associated works are also proposed to the front garden to facilitate the off-street parking.
7. Given the existing parking arrangement for the terrace, any vehicle movements to and from the appeal property would need to pass through the parked

vehicles which run parallel with the road. These parked vehicles severely restrict visibility along the highway. As a result, there would be a heightened risk of collision, particularly when exiting the property. Moreover, assuming a driver's attention would be primarily focused on vehicle movements beyond the row of parked cars when leaving the property, this could compromise the safety of pedestrians along this stretch of road. As an important strategic road in and out of Aylesbury, Bicester Road is very busy, which further exacerbates these risks.

8. Irrespective of whether the front of the appeal property has sufficient room to meet the Council's minimum space standards, there would be little room left for any manoeuvring on site. To park a car at the property, this would mean drivers would either need to reverse from the road into the parking space, or else reverse out from the parking space on to the road. In either case, given the restricted visibility attributed to the row of parked vehicles to the front of the property, such manoeuvring would heighten any risks to other drivers and cyclists along the road, as well as pedestrians along the pavement.
9. To ensure access is not restricted to and from the appeal property, no parking would be possible in the allocated parking zone to the front of the property. In practice, this would likely result in the loss of 2 spaces on the road, meaning a net loss of 1 space (when factoring in the newly created parking space on the appeal property itself). Given the existing limitations with regard to parking in this area (which was readily apparent on my site visit), the loss of any parking spaces in this area should be discouraged.
10. For these reasons, the proposed development would risk harm to highway safety. It would conflict with Buckinghamshire's Local Transport Plan 4 March 2016 – 2036, the Council's Highways Development Management Guidance (2018) and Policy T6 of the emerging Vale of Aylesbury Local Plan 2013 – 2033. Together, these policies and guidance direct parking to appropriate locations which ensure the safety of road users is properly safeguarded. The development would also conflict with the overarching highway safety objectives of the Framework (2021).
11. No technical/scale drawings have been provided which detail the precise measurements of the proposed parking space. As such, I cannot conclude whether it would meet the minimum space standards required by Buckinghamshire Countywide Parking Guidance (2015).

Other Matters

12. Whilst I acknowledge the benefit of the proposed development in terms of facilitating the appellant's use of an electric/hybrid vehicle (which in turn would help contribute to the government's and Council's targets to reduce carbon dioxide emissions), unfortunately such benefit would not outweigh the harm to public safety identified above.
13. I also note the examples of other dropped kerbs elsewhere along Bicester Road. Whilst I question the safety of such arrangements in any case, the frontages to most of these properties appear significantly wider than the appeal site. As a result, these would generally benefit from greater visibility and flexibility to manoeuvre.

Conclusion

14. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

James Blackwell

INSPECTOR