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## Appeal Decision

Site visit made on 11 January 2022

**by J J Evans BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> January 2022**

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**Appeal Ref: APP/N0410/W/21/3276488**

**136 Lent Rise Road, Burnham SL1 7BH**

- 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 Mrs Caroline Matthews against the decision of Buckinghamshire Council.
  - The application Ref PL/21/0012/FA, dated 4 January 2021, was refused by notice dated 15 March 2021.
  - The development proposed is described as "proposed construction of vehicular access, ie a dropped kerb onto Lent Rise Road, Burnham."
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a vehicular access and dropped kerb at 136 Lent Rise Road, Burnham SL1 7BH, in accordance with the terms of the application Ref PL/21/0012/FA, dated 4 January 2021, and subject to the following conditions:-
  - 1) The development hereby granted permission shall be begun before the expiration of three years from the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:-
    - i. Site location plan;
    - ii. Existing plan; and
    - iii. Proposed plan.
  - 3) The parking and turning spaces hereby permitted shall be kept available at all times for the parking and turning of motor vehicles by the occupants of the dwelling and their visitors and used for no other purpose.
  - 4) The verge area between the front garden boundary of 136 Lent Rise Road and the public footway shall be kept free of all obstructions, structures and planting exceeding 0.6m in height above the nearside channel level of the carriageway.

### Procedural Matters

2. At my site inspection I saw that part of the front garden to 136 Lent Rise Road had been laid to gravel with gates provided within the railings. The proposed turning area, grasscrete driveway surface, and dropped kerb to the highway

had not been installed. Despite what has occurred on site, for the avoidance of doubt my determination of the appeal is based on the drawings as submitted.

3. Notwithstanding the description of the development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the creation of a parking and turning area, as well as the provision of vehicular access onto Lent Rise Road. The Council have dealt with the proposal on this basis, and the appellant has confirmed within the appeal form that the works also include the creation of a parking and turning area in the front garden. Consequently, I have considered the appeal on this basis.
4. The proposal includes works to a highway and its verge, both of which the appellant acknowledges are in the ownership of the Council. The Council have advised that before any works are carried out on any land forming part of the highway, consent needs to be obtained from the Highways Authority. The implementation of works upon land not owned by the appellant would be a matter between the parties concerned.

### **Main Issue**

5. The main issue is the effect of the proposed access on the safety of other users of Lent Rise Road.

### **Reasons**

6. 136 Lent Rise Road (No 136) is a detached house positioned within a mostly residential area comprising a mix of ages and styles of dwellings. This property has a front garden that is set back from the highway behind a deep grass verge. Part of the garden has been laid to gravel and is being used for vehicular parking. In addition to this parking area, the property has a garage and parking space at the end of the rear garden, the access to which derives from a private gated road.
7. The speed restriction for Lent Rise Road is 30mph, and near to the appeal property there is unrestricted parking allowed on the highway. The road is long and straight, with vehicles parked both upon the carriageway and upon the deep highway verges that exist to either side of the access road to Winters Acre. In addition, many of the properties either side of Lent Rise Road have off-street parking within their front gardens.
8. The proposed parking area would be positioned close to the southern boundary of the front garden. The gravelled area would be extended parallel to the railings to enable vehicles to manoeuvre so that they could enter and exit the property in forward gear. Those exiting the property would benefit from visibility in a northerly direction in excess of the requirements recommended in "Manual for Streets" (MFS). To the south, views would be partly obstructed by the presence of a telegraph pole and beyond that by the walls and hedges of the neighbouring property, 134 Lent Rise Road (No 134).
9. The telegraph pole by itself would not fully obscure other users of the highway when exiting No 136. Vehicles and pedestrians, including children and those in wheelchairs, would be visible to drivers leaving the property. Beyond the telegraph pole there are the railings, walls and hedges bounding the front garden of the neighbouring properties. Whilst they would restrict visibility to the level recommended in MFS, No 136 is higher up the hillside than the

neighbouring property. There would be views over and through the railings for those emerging from No 136 to see other users of the highway. Furthermore, the driveway to No 134 is adjacent to the boundary railings, thereby providing further visibility. Taken as a whole, the proposed access and associated vehicle movements would not have a significant impact upon the safety of other highway users.

10. Moreover, many of the properties nearby have front garden parking and vehicular access onto Lent Rise Road, with some having very restricted visibility for drivers. There are also several instances where there is no opportunity for vehicles to turn so as to emerge from a property in forward gear. The proposed access would be one of numerous private accesses onto the road. As it would benefit from the provision of a turning space so as to allow drivers to go into and out of the property in forward gear, an additional access would not significantly impact upon the safety of other users of the highway.
11. Although the property benefits from a garage and parking space to the rear, I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Part of the appellant's case is that the front garden parking and access would be beneficial for the particular needs of a family member. Having regard to these circumstances and considering my deliberations above, the equality implications add weight to my overall conclusion that the appeal should be allowed.
12. Given my findings, the scheme would not unacceptably impact upon the safety of other users of Lent Rise Road, and would result in the safe and suitable access as required by Policy TR5 of the South Bucks District Local Plan (1999, consolidated 2007 and 2011), the Local Transport Plan (2016), and the Highways Development Management Guidance (2018). These seek amongst other things, safe and suitable access and movement for all users of the highway, thereby reflecting objectives of the National Planning Policy Framework (the Framework).

### **Other Matters**

13. The appellant's concerns regarding the Council's handling of the application including the consistency of decision making, are procedural matters. Such concerns fall to be pursued by other means separate from the appeal process and are not for me to consider.

### **Conditions**

14. The conditions suggested by the Council have been considered against paragraph 56 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements.
15. The standard time condition has been imposed, as has one requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt. In the interests of safety for all users of the highway I have imposed a condition specifying the use of the permitted parking and turning

areas. For similar safety reasons, I have attached a condition requiring that the highway verge in front of No 136 is to be kept free of further obstruction.

**Conclusion**

16. Thus, for the reasons given above, and having considered all other matters raised, the appeal is allowed.

*J J Evans*

INSPECTOR