
Appeal Decision

Site visit made on 25 April 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2022

Appeal Ref: APP/J0350/D/22/3291447

76 Farnham Road, Slough SL1 3TA

- 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 Daniel Pajic against the decision of Slough Borough Council.
 - The application Ref P/17057/002, dated 10 June 2021, was refused by notice dated 3 November 2021.
 - The development proposed is the installation of a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner above is taken from the Council's decision notice. It is more precise and accurate than that given in the application form and omits wording related to the merits of the proposal.

Main Issue

3. The main issue is the effect of the proposal on the free flow of traffic and highway safety.

Reasons

4. The appeal property is an end of terrace house facing the A355 Farnham Road in a mixed use area of Slough. Most of the front garden is a hardstanding and some of the front boundary has been removed. The proposed dropped kerb includes a crossover of the pavement and a grass verge. This new access would be used to park cars in the front garden.
5. The A355 is a busy road with a single main lane in each direction and double yellow lines either side. Albeit a snap-shot, I saw that traffic along it ebbs and flows, including buses and HGVs. However, there were few sustained gaps, especially at the same time in both directions past the appeal site. It is likely that entry into, and egress from, the front garden hardstanding by a car, even in a forward gear, would sometimes require a significant amount of time and/or might result in an unduly hurried manoeuvre.
6. In the nearside direction, next to the proposed crossover, there are some low railings where part of the pavement turns away from the A355. At about this point the carriageway divides to provide a separate bus lane which would run across and in front of the dropped kerb. It can also be used by taxis,

motorbikes and cycles and outside of the peak travel restricted hours¹ it is available for a large part of the day to all traffic. Before the bus lane is a T-junction with an access road into a business park and then the A355 curves forward, in front of the appeal site, sloping up to a bridge.

7. Notwithstanding the depth of the pavement and grass verge, approaching traffic, including from a higher level, would appear behind a driver at a relatively short distance. This would be the case whether reversing into the front garden from the A355 or reversing out of the front garden onto the A355, including against the flow of on-coming traffic. Vehicles would be out of normal line of sight and require an acute sideways or rearward glance over the shoulder, including past or around any passenger(s).
8. In the other direction, near the proposed dropped kerb and crossover, there is a street lighting column towards the back edge of the pavement but protruding beyond the grass verge. While this would not unduly obstruct visibility and this part of the A355 is straight, there is nevertheless a staggered cross road junction nearby with a controlled pedestrian crossing. I also saw that across from the appeal site the A355 was used to park and unload a car transporter lorry outside a car dealership. This caused traffic to manoeuvre partly into the opposing lane against on-coming traffic not far from the proposed dropped kerb and crossover.
9. Accordingly, although subject to a 30 mph speed limit and with good street lighting, this section of the A355 has a high degree of complexity and an appreciable number of potential hazards. These would not only apply to drivers of cars parking in the front garden but generally to all road users. It is also, therefore, unlikely that the dropped kerb would be noticed as a marker for the access and so not provide any forewarning of associated vehicle movements.
10. Even if the access was relatively infrequently used, and despite that the appellant has parked in the front garden with apparently no incident so far, on the occasions that it was used the slowing, stopping, turning or accelerating of cars entering or leaving the appeal site in a forward or reverse gear, including cutting across the pavement and one or two lanes of traffic, would nonetheless be inherently unsafe. This would cause a significant increase in the potential for conflict between road users that could result in accident or injury. Moreover, these circumstances could otherwise clearly be repeated at the other houses in this terrace with similar undesirable outcomes.
11. I have been referred to dropped kerbs at some other properties fronting the A355 further away. I do not know if these have planning permission and there is no objective accident data in evidence. However, these accesses are in a relatively straight part of the A355 which is on a level gradient in both directions behind a very wide pavement. For these reasons they can be distinguished from the appeal proposal which I have, anyway, considered on its individual planning merits.
12. Taking all of the above into account, I find that the proposal would have an unacceptable adverse effect on the free flow of traffic and cause significant detriment to highway safety. Consequently, it would not comply with Core Policy 7 of the Council's Core Strategy 2006-2026 which includes that development should improve road safety.

¹ Monday to Friday 07:00 to 10:00 and 15:00 to 19:00

Other Matters

13. I have had due regard to the health and quality of life of the appellant's mother, as has been referred to as part of the appeal. I sympathise with the appellant's sincere and genuine intentions in this regard, including a preference to drop-off or pick-up and park near the front door of the appeal property which is the family home.
14. While the driveway off Salt Hill Way is unsurfaced it nevertheless provides a means of vehicular access to the rear of the appeal property. Although it is further from the back door (than would be parking in the front garden in relation to the front door) it would not be an overly excessive distance or inordinate difference. It is within the control of the appellant to provide a secure and useable pedestrian entrance from this driveway to the back door through the garage and short rear garden, including provision for wheelchair access if necessary or appropriate.
15. Parking in the driveway would cause an obstruction but would not prevent temporary drop-off or pick-up. Permanent on-street parking in Salt Hill Way is restricted to permit holders. There is, though, no evidence that a permit would not be available to the appellant or other family members and relatives, whether resident at the appeal property or a visitor. I also saw that there is unrestricted permanent on-street parking nearby in Pitts Road.

Planning Balance

16. The proposal would result in private benefits to the occupiers of the appeal property and the dropped kerb, crossover and new access would remain long after the appellant's personal circumstances have ceased to be material. Accordingly, I give limited weight to these considerations.
17. The proposal would not provide a safe or suitable access to the appeal property and would have a significant negative impact on highway safety. This would be at odds with important objectives of the National Planning Policy Framework which also include to minimise the scope for conflicts between pedestrians, cyclists and vehicles.
18. Consequently, the adverse impacts of the proposed development would outweigh the benefits.

Conclusion

19. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
20. Therefore, for the reasons given above I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR