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# Appeal Decision

Site visit made on 21 March 2022

**by M Russell BA (Hons) DipTP MRTPI**

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

**Decision date: 6 May 2022**

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**Appeal Ref: APP/K0425/W/21/3284338**

**193 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AW**

- 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 Sheraton Dwellings Ltd against the decision of Buckinghamshire Council - West Area (Wycombe).
  - The application Ref 20/07084/FUL, dated 13 August 2020, was refused by notice dated 11 August 2021.
  - The development proposed is extension of existing HMO to provide additional 10 letting rooms and associated external works.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Sheraton Dwellings Ltd against Buckinghamshire Council – West Area (Wycombe). This application is the subject of a separate Decision.

## Preliminary Matters

3. The appellant has provided additional plans as part of their appeal submission. Drawings showing a comparison between the proposal and a previously approved but now expired planning permission on the site (drawing no 1770 P1 dated 'Sept 21') and another providing street scenes (Drawing No 1770-P2) do not alter the proposal which was before the Council. Drawing No 1770 SP1B dated 'Sept 21' shows parking spaces of increased size but does not alter the number of proposed parking spaces or the position of the proposed vehicular access point. Having regard to the 'Wheatcroft Principles'<sup>1</sup>, I am satisfied that given the proposal remains substantively as considered by the Council, no party would be prejudiced by me taking these drawings into account in my assessment.
4. On arrival at the previously confirmed day and time, a representative of the appellant did not meet me to permit access to the appeal site. However, I was still able to obtain a full appreciation of the site and local context from the street. On this basis, I am content that I am in a position to assess the main issues and proceed with my decision.

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<sup>1</sup> (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37])

## **Main Issues**

5. The main issues are:

- (i) the effect of the proposal on the character and appearance of the area; and
- (ii) whether the proposal would give rise to highway safety issues and/or inconvenience for road users and pedestrians in the area.

## **Reasons**

### *Character and appearance*

- 6. The appeal site is located in a predominantly residential area at the corner of West Wycombe Road and Desborough Park Road. West Wycombe Road is a busy main arterial route leading to High Wycombe Town Centre. The appeal site is currently occupied by a spit-level House of Multiple Occupation (HMO) which is appreciated from the street as being two-storeys to the elevation facing West Wycombe Road and three-storeys to the rear owing to the levels on Desborough Park Road which fall away from the junction of these adjoining roads. The building also has a lower side projection which extend towards the boundary with Nos 195/197 West Wycombe Road.
- 7. There is an evolving context to the scale of built form close to the appeal site which includes the recently constructed three-storey buildings containing flats at Nos 195/197 and 201 West Wycombe Road. Buildings are generally well spaced along West Wycombe Road, although the size of gaps varies. A mix of terraced, semi-detached and detached residential buildings sit close to the appeal site on Desborough Park Road. There are a mix of styles and materials in the locality, however buildings generally incorporate traditional architecture.
- 8. The architecture of the front elevation of the extension would include materials and window proportions which match the existing building and complementary hipped roof forms set down from the main ridge. The building's resultant width would be comparable to that of the neighbouring flatted developments at Nos 195/197 and 201. The gap between the proposed extension and the building at No 195/197 would be narrower than those generally seen between buildings to this part of West Wycombe Road. However, the overall spacing around the building would be sufficient to ensure that the resultant building would not appear cramped within its plot or the street scene in this particular instance.
- 9. To the rear, the extended footprint would closely align with the existing rear elevation. The resultant building's increased mass and angled windows projections to the rear elevation would not be dominant within the street scene on Desborough Park Road given the position of the extension set away from the boundary with this road.
- 10. Taking all the above factors into account, I am satisfied that the proposal would be a cohesive addition to the host building and would sit comfortably within the built context of its surroundings.
- 11. I conclude, the proposal would have an acceptable effect on the character and appearance of the area. In that regard, it would comply with the design,

character and context requirements of Policy DM35 (Placemaking and Design Quality) of the Wycombe District Local Plan (2019) (LP).

*Highway safety*

12. Vehicular access to the extended building would be via the existing access point taken from Desborough Park Road. This road has a 30mph speed limit and has a steep gradient rising towards the junction with West Wycombe Road. Substantial sections of these roads are restricted with double-yellow lines. Whilst only a snapshot of parking conditions in the area, at the time of my visit there was a prevalence of on-street parking on sections of the road where no restrictions were in place, including in close proximity to the appeal site.
13. The sub-text to Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the LP at paragraph 6.141 confirms that the adequacy of parking for developments will be assessed against the Buckinghamshire County Council Countywide Parking Guidance Policy (2015) (PGP). 'Guidance 20' under The Buckinghamshire County Council Highways Development Management Guidance (2018) (DMG) also requires that developers demonstrate that appropriate parking is provided in accordance with the PGP. Policy 19 (An effective approach to parking) of the Buckinghamshire County Council Local Transport Plan 4 March 2016 – 2036 (LTP4) also seeks that appropriate parking is provided and refers to the PGP in this regard.
14. The PGP sets out amongst other things that HMOs should provide the same number of spaces as other residential dwellings. The evidence before me indicates that the site is located within 'Residential Zone A' as defined in the PGP. My attention has been drawn to the residential car parking standards at Table 6 of the PGP which suggests an optimum standard of 3 parking spaces for an 8+ habitable room/5 bedroom dwelling in 'Residential Zone A'. In the case of the appeal proposal, the resultant building would have a total of 17 bedrooms. The PGP advises that when there are significant differences between parking provision based on bedrooms and habitable rooms, the most appropriate amount of parking should be provided.
15. In assessing what the most appropriate amount of parking would be, I am mindful that the PGP allows for flexibility to be applied where there is evidence that optimum parking levels would not be appropriate. I accept that not all occupiers of the HMO would necessarily have a car. I also acknowledge the site's relative proximity to the town centre, bus services and the nearest supermarkets. Even so, there is a distinct possibility that occupiers of the HMO would live independently and 17 bedrooms would have the potential to generate parking demand significantly above the 5 parking spaces that would be provided. It is also likely that individual occupiers would all attract their own visitors some of which would travel to the site by private vehicle.
16. The appellant acknowledges at paragraph 7.21 of their statement of case that the proposal would add to the apparent parking stress in the street. No detailed evidence, such as a parking survey, has been provided to demonstrate that any surplus parking associated with the development could be accommodated on nearby roads, including during peak periods. From what I saw during my site visit and from the photographic evidence provided by the Highway Authority, inappropriate parking practices are already commonplace in the area and include for example vehicles mounting pavements and vehicles parked close to

junctions. Where this occurs, this has the potential to obstruct pavements and driver visibility.

17. Overall, I find that the substantial disparity between the number of parking spaces relative to the number of bedrooms in this instance goes beyond a reasonable level of flexibility. Without any tangible evidence to demonstrate otherwise, there is the potential that during peak periods the number of vehicles associated with the HMOs occupiers and visitors would significantly exceed the number of off-street parking spaces provided. This would put unacceptable additional pressure on the availability of on-street parking in the area and would be likely to result in inconvenience for road users and pedestrians.
18. The appellant suggests that the revised layout provided as part of their appeal submission would ensure the parking spaces would meet the minimum dimension requirements for residential parking spaces in the PGP. Even if this is the case, this does not resolve my concerns in respect of the quantum of spaces provided.
19. Policy DM33 of the LP also requires developments to be provided with safe and convenient access to the local highway network. This is also endorsed under Policy 17 (Road Safety) of the LTP4. Paragraph 111 of the National Planning Policy Framework (the Framework) states amongst other things that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
20. There is no dispute between the parties that the Government's 'Manual for Streets' (MfS) recommends visibility splay 'X' and 'Y' distances of 2.4 metres (m) x 43m for an access onto a 30mph road. Given the substantial increase in occupant numbers proposed, the parking area and access to it would be likely to be used more intensively. Where visibility splays fall short of recommended distances, this has the potential to increase risk for users of the associated access and the adjoining highway.
21. Precise visibility splay dimensions are not shown on the drawings before me. Therefore, I cannot be certain that the recommended visibility splays would be achieved, and if not, to what degree the splays would fall short of the recommended distances.
22. Notwithstanding the above, I accept that boundary treatments on the site next to the access point have recently been lowered and that this would have improved visibility at the access point. A condition could be attached requiring the boundary treatments in the appellant's control to be retained at a suitable height to assist visibility. However, there is nothing before me to indicate that the owners of the adjoining property to the south on Desborough Park Road have agreed not to erect their own higher boundary treatment at some point in the future. Therefore, there is the potential that the existing levels of visibility at the site entrance would not be retained in perpetuity. This further persuades me that acceptable visibility for drivers looking to the right on exiting the site cannot be guaranteed.
23. The appellant contends that MfS allows for a flexible approach in assessing visibility requirements. In that regard, the appellant suggests that due to the topography of the road and the proximity of the site access to the junction of Desborough Park Road with West Wycombe Road, that vehicles are likely to be

travelling at a low speed in the vicinity of the access point and reduced visibility splay requirements can be applied. However, in addition to the absence of a drawing showing precise visibility splay measurements, no detailed evidence has been provided such as a speed survey to demonstrate that speeds to this section of the road are generally at a level where a relaxation in the visibility splay requirements would be justified.

24. The Highway Authority has also provided me with details of Personal Injury Accident records (PIAs) along Desborough Park Road. This indicates that in the five-year period up to 1 January 2021, 10 PIAs were recorded in the local vicinity. Amongst these were collisions on Desborough Park Road including incidents involving an impeded view and a pedestrian in the highway accessing a car parked on the road. Without any evidence to the contrary, this further persuades me that increased parking stress and the intensification of an access point with inadequate visibility splays could materially increase the risk of collision and inconvenience for road users and pedestrians in the area.
25. I conclude, the proposal has the potential to have an unacceptable impact on highway safety and to result in inconvenience for road users and pedestrians in the area. In that regard, the proposal would conflict with the requirements for safe and convenient access, to provide for parking sufficient to meet the needs of future occupants and to ensure there is no significant adverse impact from overspill parking in Policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the LP. For the same reasons the proposal would also conflict with the Framework, the LTP4, the PGP and DMG.

### **Other Matter**

26. My attention has been drawn to the planning history of the site which includes amongst other things a 2013 application approved at appeal<sup>2</sup> for a comprehensive development involving the demolition of Nos 193–197 West Wycombe Road and the erection of 24 apartments. However, that particular scheme was not implemented and would have been considered under a previous development plan. Therefore, I attach limited weight to this as a material consideration and my assessment is made on the basis of the different scheme before me as well as the existing policy context and site circumstances.

### **Conclusion**

27. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework specifies that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations in a particular case indicate that the plan should not be followed.
28. I have concluded that the proposal has the potential to have an unacceptable impact on highway safety and to result in inconvenience for road users and pedestrians in the area. In that regard, the proposal would conflict with the development plan as a whole and would not amount to sustainable development. There are no other considerations, including the policies in the Framework that would outweigh this conflict. Therefore, for the reasons given

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<sup>2</sup> LPA Ref 13/07011/OUT

above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*M Russell*

INSPECTOR