



Appeal Decision

Site visit made on 22 August 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 2nd September 2022

Appeal Ref: APP/X0415/W/21/3282809

1 Oakington Avenue, Amersham HP6 6SY

- 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 and Mrs Lowry against the decision of Buckinghamshire Council.
 - The application Ref: PL/21/2318/FA dated 9 June 2021, was refused by notice dated 27 August 2021.
 - The development proposed is permanent vehicular access onto Amersham Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon highway safety on the A404 Amersham Road.

Reasons

3. The proposal seeks to provide a permanent means of vehicular access from the Amersham Road to an area of land at the rear of 1 Oakington Avenue which has permission for a single detached dwelling house, albeit on the basis of remote vehicle parking.
4. The Amersham Road links Amersham to the M25 at Junction 18 and is identified as a Strategic Inter-Urban Highway within the Buckinghamshire Network Hierarchy which advises that the number of junctions on such routes should be minimised. With a range of 14,000 – 16,000 vehicle movements per day, this is plainly a very busy, strategic, road and according to the Council, one where there are evidence-based concerns about conflicting vehicle and pedestrian movements arising from the introduction of a direct residential access at the point proposed.
5. The proposed access would be opposite the access to Chalfont Avenue and the Chalfont and Latimer Rail Station and in proximity to a traffic camera, pedestrian crossing and the junction with Oakington Avenue. Although pedestrian movements were few at the time of my mid-morning visit during the school holiday period I note representations about the proximity of a school, the use of the pedestrian crossing and that the footway to be crossed by the access connects a large housing area (including school) with the centre of Little Chalfont.

6. The planning history for this site includes an identical proposal addressed at appeal in November 2020 in which the Inspector concluded that the proposed access would introduce unexpected slowing and turning movements at this point on the A404. In response to that disallowed appeal the appellant has provided an extended Stage 2 and 3 Highway Safety Audit.
7. Although the result of the audit addresses some identified problems, to my mind these submissions fail to adequately address the important issue of visibility and the factors introduced by the particular geometry of the highway as it rises from passing under the rail overbridge. I am aware of the correspondence from the Highways Development Management Officer of 19 July 2021, but is not clear that the effect of the vertical curve in the road as it rises to the proposed access point has been considered.
8. Having visited the site both on a weekday mid-morning and on a quiet Sunday afternoon I am unconvinced as to the safety of emerging from the site to turn right¹ or of entering the site from the Little Chalfont direction. Even with a vehicle at its most forward point on the pavement, obstructing pedestrian use, visibility for emerging vehicles to the left is significantly restricted beyond the appeal site boundary by vegetation up to the back edge of the pavement. In that regard I note that two periods of springtime growth have passed since the previous inspector's visit and there is nothing before me to confirm that the appellant could exercise control over the area beyond the application boundary.
9. The appellant suggests that the 500m section of Amersham Road addressed in this appeal is consistent with the sections of A404 to east and west which are populated with many individual accesses possessing, in consequence, the character of a 'street' rather than a 'road'. However, the section of road which passes under the rail overbridge and rises to the proposed point of access does not possess these 'street' characteristics. Pavements on both sides are enclosed by railings for a significant length such that the carriageway is clearly defined to contain traffic as the road curves and rises to the proposed access location. An individual residential access would be, and in relation to the current temporary access is, unexpected in that environment.
10. My observations indicate that an approaching vehicle is likely to encounter someone committed to emerge from the site and, additionally, that drivers (other than those with a high viewpoint) will find it difficult to identify the pavement crossing when seeking the proposed access from the Little Chalfont direction due to the sunken and curved profile of the road. This will inevitably result in sudden decisions by drivers and last minute braking which risk collision.
11. Guidance in Manual for Streets and Manual for Streets 2 (MfS & MfS2) which reflects driving behaviours in urban areas and with traffic flows of around 10,000 vehicles per day supports a 'Y' distance of 41.6m to the left². Given the factors I have identified and the much higher traffic flows stated by the Council, I question this assumption and consider there is inadequate justification to set aside the guidance in the Design Manual for Roads and Bridges (DMRB) which is directed at major arteries and suggests a 'Y' distance of 70m for the identified design speed of 30mph.

¹ When making use of the existing temporary access and dropped kerb

² shown on the submitted plan 18011/101

12. However, even if the smaller visibility dimensions appearing on the submitted plan were appropriate a planning legal agreement would be necessary to ensure visibility was not degraded by change and as none has been provided I cannot take this into account. I have considered the appellant's suggestion of a planning condition but as the benefit of the access would accrue to a dwelling previously approved, such a condition could not meet all the relevant tests. Given my concerns about visibility, this weighs heavily against the proposal.
13. The appellant suggests the presence of a speed camera improves safety; but this tends to reinforce my view that driver behaviour may be different near the appeal site to that in other parts of the Amersham Road and also likely to be a distraction as drivers check their speedometers rather than watching out for hazards such as crossing pedestrians or sudden braking. It is also suggested that the addition of the proposed access would reinforce the 'street' characteristic which tends to reduce speed and conflicting movement but this does not accord with my assessment of the highway environment.
14. The appellant also refers to housing land supply shortcomings but provides no substantiation, in any event this is not a proposal which would add to that supply.
15. I therefore conclude that although the impact on the Highway network would not be severe, the proposed permanent access would unacceptably harm highway safety for the reasons I have given and would thereby conflict with policies CS26 (d) of the Chiltern District Core Strategy and saved policy TR2 of the Chiltern District Local Plan (1997). These policies are consistent with paragraph 110 (b) of the National Planning Policy Framework 2021 in requiring development to be provided with safe and suitable access for all users. On that basis the proposal conflicts with the development plan for Buckingham Council³ as a whole such that the appeal cannot succeed.

Andrew Boughton

INSPECTOR

³ On 1 April 2020 Buckinghamshire Council was formed through the amalgamation of the four former Buckinghamshire District Councils, including Chiltern District Council, and the County Council. The application was therefore determined by the new Buckinghamshire Council. Nevertheless, all of the former Chiltern District Council planning policies set out in the decision notice remain extant and relevant to this appeal.