



Appeal Decision

Site visit made on 15th December 2022

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 10 January 2023

Appeal Ref: APP/K0425/D/22/3306529

2 Pinels Way, High Wycombe, Buckinghamshire HP11 1TU

- 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 Sally Hutchings against the decision of Buckinghamshire Council.
 - The application Ref.22/06117/FUL, dated 22 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is "dropped kerb to fit small car in front drive."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on highway user safety.

Reasons

3. 2 Pinels Way is a two storey semi-detached dwelling on the corner of Pinels Way and Landsdowne Way. The area is fairly densely developed and many residential properties in the immediate vicinity have off-road parking areas for their vehicles. No.2 Pinels Way has its front door and a ground floor window visible from the street and in front of these there is a short path to the front door and a gravelled and lightly landscaped forecourt area. There is no pavement passing in front of the appeal property on Pinels Way (east side) but there is one along Landsdowne Way to the south and south west of the appeal site.
4. Pinels Way is an unclassified, residential cul-de-sac, subject to a speed restriction of 30mph. It has no parking or waiting restrictions. The appellant currently parks her car on Pinels Way in front of her house, near the junction with Landsdowne Way.
5. The proposal is to drop the street kerb and use the front forecourt area for the parking of a small vehicle. The parking would be perpendicular to the dwelling.
6. As noted by the Highway Authority, to be in accordance with the adopted Buckinghamshire Countywide Parking Guidance Supplementary Planning Document (2015), parking space dimensions should measure 2.8m wide by 5m long. Whilst the proposed parking space served by the new access could achieve the 2.8m width dimension, the 5m linear dimension could not be

achieved owing to the lack of hardstanding available between the appeal site boundary and the front elevation of the dwelling. The available length is approximately only 4.3m.

7. The appellant has referred to advice in Manual for Streets at paragraph 8.3.49 which indicates that perpendicular parking bays should enclose a rectangular area of about 2.4m wide and a minimum of 4.2m long. However, Figure 8.18 of the same guidance shows perpendicular parking at 4.8m long rather than just 4.2m long. I take the view that the available length of about 4.3m is not sufficient for a parking space in this location. Whilst the appellant has demonstrated by photographs that her current small vehicle could fit onto the available rectangle, it would be up to the edge of the appeal site and use of the boot would mean the user standing in the carriageway of the road. There is no pavement on which to stand when accessing the boot and it would not be safe to stand in the carriageway.
8. Notwithstanding the above, I am also obliged to consider future occupants of the appeal site as well as the current occupier and, as a result there would be no control over the size of vehicle that a future occupant might own. For this reason, the advice in the Buckinghamshire Countywide Parking Guidance to have spaces measuring about 2.8m by 5m is strongly to be preferred and applied. Any overhang of a vehicle into the carriageway area should be avoided for safety and convenience reasons. It would present a hazard and possibly also a visual obstruction particularly if it was a domestic van. Furthermore, in this case, the location of the appeal site very close to the junction of two roads is an exacerbating factor.
9. The area at the front of the dwelling to which the dropped kerb would allow access is therefore insufficient for the purposes of in-curtilage parking.
10. I have borne in mind that the appellant may purchase a shorter (in length) car in the future but this does not overcome the long term difficulty of being unable to control the type and size of vehicle belonging to future occupants of the appeal property. I have also borne in mind the convenience of charging an electric or hybrid vehicle on a front off-road forecourt and the safety advantage in not parking on the street corner directly in front of the appeal site. On my site visit, I noted that finding a parking space close to the appeal site was not guaranteed and I readily acknowledge that it is likely to be difficult to find a parking space in the late afternoon convenient to the appeal site. However, none of these factors taken individually or cumulatively, lead me to conclude that permission should be given for a dropped kerb to provide off-street parking in this location. The disbenefits would clearly outweigh the benefits.
11. Overall I conclude that the proposal would result in an unacceptable impact on highway user safety. It would be contrary to policy DM33 (Managing Carbon Emissions: Transport and Energy Generation) of the Wycombe District Local Plan (adopted August 2019), Buckinghamshire Council Local Transport Plan 4 (adopted April 2016), the Buckinghamshire Council Buckinghamshire Countywide Parking Guidance Policy (adopted September 2015) and the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018).

Conclusion

12. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR