



Appeal Decision

Site visit made on 28 February 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2023

Appeal Ref: APP/X0415/D/22/3307142

17 Hearnese Meadow, Seer Green, Buckinghamshire HP9 2YH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Timothy Sonnex against the decision of Buckinghamshire Council.
 - The application Ref PL/22/0644/FA, dated 21 February 2022, was refused by notice dated 27 June 2022.
 - The development proposed is described as "The proposed works will create a single parking space on part of the front garden of 17 Hearnese Meadow. The parking area treatment will be as follows:
The area will be skimmed (approximately 50-75mm); clean angular stone 4- 20mm will be placed in the area and compacted. A driveway weed fabric will be laid and 20mm gravel then on top. A timber border maybe installed along the hedge side and from the path to the hedge at the rear of the parking space.
The parking area will be permeable and surface water will drain through it.
In addition a 910 mm high round top picket fence sitting on a 15mm wooden gravel board will be installed. This will run from the front path to the house entrance with a gate leading to the front garden of 18 Hearnese Meadow. There will be a gate across the footpath and the picket will continue to the first fence post inline.
Please see attached sketch with details.
I have discussed the proposal with Planning Officer Alex Wilson, who recommended a full application, rather than a Lawful Development Certificate.
All of the above to be specified and carried out in compliance with the Conditions to Planning application PL/21/1965/FA as well as the documents attached thereto relating to the protection of the mature oak on the south east corner of 19 Hearnese Meadow.
Mr Geoff Robinson of 19 Hearnese Meadow has given me permission to quote the above documents in this application."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area, including in relation to trees;
 - The effect on highway and pedestrian safety; and,
 - The effect on the biodiversity of the area.

Reasons

Highway Safety

3. Hearnese Meadow is a predominately residential cul-de-sac. Along with other properties, 17 Hearnese Meadow is accessed from the cul-de-sac via a narrow, curved private access road. No. 17 is a corner plot located at the end of the private access road, at its junction with a footpath.
4. A recent planning application¹ granted planning permission for the private access road, which was formerly described as a pathway. This consent also included vehicular access and parking for 19 and 20 Hearnese Meadow. The rest of the properties along the private access road have pedestrian access only.
5. Vehicle speeds along the private access road are likely to be low, having regards to its narrow width and curved alignment. Vehicular movements along the private access road are also likely to be low, having regards to the number of properties which have vehicular access. The private access road is also used as a pedestrian footpath.
6. There is no dispute between the parties regarding the principle of the development and that the private access road could accommodate the additional level of movements associated with one dwelling. I do not disagree with this assessment.
7. The location of the parking area to serve no. 17 would be adjacent to the junction of the private access road and footpath. The layout and narrow width of both the proposed parking space and private access road would significantly restrict vehicle movements into and out of the site.
8. The lack of space to manoeuvre a vehicle would be likely to result in vehicles reversing along the private access road, either to enter or exit the site. The length and curved alignment of the private access road would result in vehicles reversing for some distance with restricted views. Drivers may attempt to manoeuvre into or out of the parking space, in order for them to leave in a forward gear. Any such manoeuvres would be within close proximity of the adjacent footpath. These manoeuvres are likely to result in conflict between pedestrians and other vehicles, to the detriment of highway safety.
9. It has been brought to my attention that there is no restriction on vehicles using the private access road to enter or leave in forward gear, or restrictions on the number of movements a vehicle could undertake. However, for the reasons outlined above, and in the absence of substantive evidence to the contrary, I consider the proposal is likely to result in conflict between pedestrians and vehicles.
10. The recent planning approval at no. 19 and 20 has been drawn to my attention and I observed the parking layout at both properties during my site visit. I noted that both properties had wider frontage areas for the parking spaces, when compared with that proposed for no. 17. The wider frontages provide more space for vehicles to manoeuvre into and out of the approved parking spaces. This allows vehicles to enter and exit those sites in a forward gear, thereby reducing pedestrian and vehicular conflict.

¹ PL/2021/1965/FA

11. For the reasons given above, I conclude that the proposed works to create a parking space would be harmful to pedestrian safety. This is contrary to saved Policies TR2 and TR3 of the Chiltern District Local Plan 1997, altered 2001, consolidated 2007 and 2011 (CDLP) and the National Planning Policy Framework (the Framework). Collectively these policies seek, amongst other things, to ensure standards of road safety for all users should, at minimum, be maintained and safe access to the site can be achieved for all users.

Character and Appearance

12. 17 Hearnese Meadow is one of a pair of flats within a semi-detached, two storey property. It is a corner plot located at the end of a narrow private access road, at its junction with a footpath. The site lies on the edge of a predominately residential area.
13. Outside the boundary of no. 17, at the junction of the private access road and public right of way, is a large tree. The tree is covered by a Tree Preservation Order (TPO). Due to its size, height and prominence, the tree is visible from a number of vantage points within the immediate and surrounding area. When viewed together with other trees in the wider area, the tree helps to soften the surrounding built development. Due to its size, height and prominence, the tree contributes to the visual amenity of the area.
14. The Council consider it likely that the width of the private access road will need to be widened, in order to overcome the highway concerns raised. However, I am required to deal with the appeal based on the information before me. The submitted plans show the tree is to be retained and the width of the access road is to remain 'as existing'.
15. Based on the information submitted, the hard surfacing works proposed are limited to that required to provide a single car parking space. The space is to be located within the front and side garden of no. 17. The private access road separates the frontage of no. 17 from the tree. I observed during my site visit that the full length of the private access road is hard surfaced. Furthermore, I consider that a suitably worded condition, requiring a no dig method of construction, would avoid damage to the tree roots during construction.
16. For the above reasons, I do not consider there would be a significantly adverse impact upon the tree. I therefore conclude that the proposed works to create a parking space would not be harmful to the character and appearance of the area, including in relation to trees. This accords with saved Policies GC1, GC4 and TW3 of the CDLP, Policy CS20 of the Core Strategy for Chiltern District 2011 (CS) and the Framework, which collectively seek, amongst other things, development to take account of existing features, retain established trees and have a high standard of design that reflects and respects the character of the surrounding area.

Biodiversity

17. The adjacent tree, covered by a TPO, is likely to provide habitat to a number of species. As a result, works that would affect its health or lead to its loss would affect biodiversity in the area. The submitted plans show that the tree is to be retained. Furthermore, the plans show that no works are proposed to widen the private access road. In addition, I consider that a condition relating to a no dig method of construction would ensure that there is no adverse impact to the

tree as a result of the proposed hard surfacing. Having regards to these matters and based on the information before me, the development would not adversely affect the health and longevity of the tree.

18. For the above reasons, I conclude that the proposed works to create a parking space would not be harmful to the biodiversity of the area. This accords with CS24 of the CS and the Framework, which collectively seek, amongst other things, to conserve and enhance biodiversity and minimising impacts on and providing net gains for biodiversity.

Other Matters

19. The Council have referred to saved Policy GC3 in their reason for refusal. This policy primarily relates to the protection of future and existing occupiers' living conditions. As these matters do not form part of the main issues in the consideration of this appeal, this policy is not therefore applicable.

Conclusion

20. For the above reasons, having considered all the policies drawn to my attention, the conflict with saved Policies TR2 and TR3 of the (CDLP) lead me to conclude that there is conflict with the development plan as a whole. There are no material considerations that indicate I should conclude other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

S Pearce

INSPECTOR