The Planning Inspectorate

Appeal Decision

Site visit made on 11 May 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/J0405/D/23/3318101
36 Oakfield Road, Aylesbury, Buckinghamshire, HP20 1LL

- 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 Jayaraman Kamalanath against the decision of Buckinghamshire Council.
- The application Ref 22/01213/APP, dated 1 April 2022, was refused by notice dated 16 December 2022.
- The development proposed is the construction of a drop kerb and creation of a vehicular access.

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case to be the effect of the proposed drop kerb and vehicular access on highway safety along Oakfield Road.

Reasons

3. The appeal property (No 36) is a mid-terraced house situated on the eastern side of Oakfield Road. Oakfield Road is a busy classified, single-carriageway main road (A4157). No 36 has a front garden some 9.5 metres long and around 7 metres wide. It is separated from the road boundary by a footpath and a grass verge. The grass verge contains a number of mature trees at intervals along the road. At the time of my visit the appeal property had a front boundary comprising a 1.5 metre high wooden fence set in concrete panels and which had a wide gap in the centre.

4. Paragraph 110 of the National Planning Policy Framework (the Framework) indicates that, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users, and paragraph 112 indicates that applications for development should be designed to enable charging of plug-in vehicles in safe locations.

5. Policy 17 of Buckinghamshire's Local Transport Plan 4 (LTP) indicates that the Council will work to ensure that new developments provide safe and suitable access.

6. The Council contends that the development would lead to the creation of a new access on a main distributor road. The slowing and turning of vehicles using the access would lead to conflict and interference with the free flow of traffic on the

highway and be detrimental to highway safety. The Council contends that the dwelling already has a vehicular access and a second access would unnecessarily add to the danger and inconvenience inherent in access to the highway. Moreover, the application does not provide an adequate provision within the site for manoeuvring of vehicles clear of the highway, such that the development would therefore be likely to lead to vehicles reversing onto or off of the highway to the detriment of public and highway safety.

7. The appellant contends that there is no presumption against the creation of a dropped kerb from a distributor road; that the frequency and intensity of use would be at a low level compared to other land uses; that due to the layout and configuration of the proposed access, vehicle movements to and from the appeal site would be at slow speed; that there are no provisions which place a presumption against proposals that lack on-site turning; that visibility in both directions meets requirements, and that there is no effective vehicular access to the property at the rear. In addition, the proposal would enable the provision of an electric charging point at the property.

8. None of the houses on this side of Oakfield Road have dropped kerbs or vehicular access into their front garden areas. The road is very busy and would appear to be part of a northern ring road around the town of Aylesbury. It is only single-carriageway in width and there is a junction with the A41 a short distance to the south. The residential roads of Wingate Walk and Stanhope Road have junctions on the western side of Oakfield Road to the north and south of the appeal property and in close proximity. I consider that vehicles turning into or out of properties along this busy stretch of road, albeit in relatively small numbers, would be detrimental to highway safety.

9. In addition, the pavement outside of No 36 runs immediately adjacent to the front boundary of the properties on this side of the road. Given the height of the front fence at No 36, I have concerns that, due to restricted visibility, there could be danger to pedestrians from vehicles leaving the property.

10. I have no details relating to turning circles or manoeuvring diagrams to indicate whether a vehicle could technically turn within the front garden area in order to enter and leave the property in a forward gear. However, it would appear that such a manoeuvre would, in any case, be highly complicated and inconvenient if attempted, and this leads me to consider that it would be more likely that vehicles using the drop-kerb and vehicular access would either reverse off the highway or reverse out of the property. Either way, this would be harmful to highway safety with regard to both car users and pedestrians.

11. The appellant has provided a photograph of a drop-kerb on Oakfield Road giving off-road parking availability at the side/rear of to No 1 Stanhope Road. I have no details as to whether this facility has received planning permission and, if so, when such permission was granted. In any case, I do not consider that such provision should be replicated along this section of road. I also note that a recent proposal relating to a drop-kerb and access at No 16 Oakfield Road was refused on appeal (Appeal ref: APP/J0405/W/22/3292191). In the decision letter, the inspector indicated there would be a likelihood that highway safety would be eroded by virtue of vehicle manoeuvres, and that this would be a particular concern given the level of traffic that currently uses the road. In result, the development would have the likelihood of causing conflict with other

road users due to sudden deviations in speed and direction. I concur with this view, which also applies to similar circumstances at the appeal site.

12. Furthermore, whilst every proposal must be assessed on its own merits, to allow this development could encourage the submission of further similar proposals which would be progressively more difficult for the Council to resist and which could cause cumulative harm to highway safety along the road.

13. Finally, I note that one of the reasons why the appellant seeks planning permission for the proposed development is to provide an electric car charging point. I have sympathy with this desire, but the public benefits arising from this would be relatively small and would not outweigh the harm to highway safety that would likely result from the proposal.

Other Matter

14. I note that there is an access lane at the rear of the property, with a row of garages on the western side. There are two garages at the rear of No 36, but it would appear that these do not belong to the appeal property and that the appellant does not currently have access to these garages, nor is it clear whether any such access could be obtained. It therefore appears potentially incorrect to contend that the proposal would represent a second vehicular access to the property. This does not, however, influence my findings on the significant harm that would be caused by the proposal to highway safety along Oakfield Road.

Conclusion

15. In conclusion, therefore, and on balance, I find that the proposal would be harmful to highway safety, for both vehicle users and pedestrians, by virtue of movements on and off the main classified road, and by virtue of the likelihood that some, if not all, of these movements would involve using a reverse gear. The proposal would, therefore conflict with policy guidance on safe and suitable access contained in the Framework, and with Policy 17 of the LTP. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR