



Appeal Decision

Site visit made on 24 July 2023

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/X0415/D/23/3322162

119 Waterside, Chesham, Buckinghamshire HP5 1PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Doyle against the decision of Buckinghamshire Council.
 - The application Ref PL/22/4387/FA, dated 10 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appellant seeks permission to allow a single private vehicle to park on the frontage area of the appeal site. As the proposed parking area is already hard-paved, there being no enclosing wall or other boundary structure, in practical terms the works for which permission is sought is the installation of a 4.8m length of dropped kerb such that a vehicle may enter and leave the frontage area.
4. Waterside is a busy single carriageway road which feeds into the centre of Chesham from the east with a pronounced curve on each side of the rail underbridge which lies close to the appeal site, limiting forward visibility. In an area with a mix of development types, various commercial premises and a newsagent opposite together with through traffic that includes goods vehicles, No.119 Waterside (No.119) is located where a significant number of dwellings line the road frontage seemingly reliant upon heavily-used on-street parking. A further feature of the location are the relatively narrow pavements. In combination, these factors create a congested environment for both vehicles and pedestrians such that further change could create additional risk to users.
5. Whilst it would plainly be possible to position a typical family car within the frontage area, my observations direct that the limited width of the proposed parking area, around 2.0m at its narrowest, would require both an exceptional degree of precision and multiple manoeuvres in order that pedestrians could pass without being confronted by obstruction of the pavement to a degree which would frustrate their normal use thereof. Even if the dropped kerb were wider than proposed I consider there to be a high probability of such

manoeuvres, or inexpert parking, creating a situation where pedestrians might step into the road either due to manoeuvres being in progress at the time or because a vehicle has not been parked within the defined area. Given the nature of passing traffic that I observed on this relatively constricted road this could present an unacceptable risk to users.

6. I note the comments of the appellant. However, given my previous observations, enforcement against obstruction would not, at the point in time when an obstruction occurs, mitigate the collision risk to pedestrians or other road users that I have identified. In addition, the positioning of vehicles on this small forecourt area, would be a further detractor in a part of Waterside street scene which is unrelieved by any visible landscape softening and dominated by motor vehicles.
7. I therefore conclude that the proposal would not accord with saved Policy TR15 of the Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001 and consolidated September 2007 & November 2011) which seeks to ensure car parking is provided to suitable standards and laid out to avoid conflict between users. Consequently, the proposal would not accord with the development plan taken as a whole such that, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR