



---

# Appeal Decision

Site visit made on 12 December 2023

**by C Carpenter BA MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> January 2024**

---

**Appeal Ref: APP/K0425/W/23/3319941**

**17 & 19 Claremont Road, Marlow, Buckinghamshire SL7 1BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Lugg against the decision of Buckinghamshire Council.
  - The application Ref 22/07134/FUL, dated 2 August 2022, was refused by notice dated 13 January 2023.
  - The development proposed is new vehicular access and parking areas, part demolition of brick boundary wall and railings.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site address details section on the planning application form gives the site address as 19 Claremont Road. However, it is clear from the plans and other documents before me that the appeal site comprises 17 & 19 Claremont Road. I have therefore used this address in the heading above.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. I have noted the appellant's argument that the proposed access and parking area has planning permission granted by the Town and Country Planning (General Permitted Development) (England) Order 2015. However, this is not a matter for me to determine in the context of an appeal under section 78 of the Act. It is open to the appellant to apply to have the matter determined under section 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. I have considered the appeal on its merits.
5. The National Planning Policy Framework (the Framework) was updated during the course of this appeal. The section on highway safety has not changed and I am satisfied no party would be disadvantaged by the new Framework.

## Main Issue

6. The main issue is the effect of the proposed access and parking arrangement on highway safety.

## Reasons

7. Claremont Road is a residential street with a relatively narrow carriageway and footways on both sides. The road is partially subject to parking and waiting restrictions in the form of single and double yellow lines. Cars can park along the carriageway on the stretch of road outside the appeal site and during my visit I observed this stretch was heavily parked. Parking restrictions on the street are such that additional on-street parking and waiting near the appeal site would be likely during evenings and weekends.
8. Vehicle tracking drawing No 21.159-003/C shows how cars would manoeuvre between the carriageway and the new off-street parking spaces and assumes cars would be parked on-street close to the new cross-over. The drawing is based on a medium sized car. I have considered the comparison of car dimensions provided by the appellant, which includes some of the most popular models of car. Even if I accept the medium car autotrack dimensions used in the drawing, the space available for cars to manoeuvre would be extremely tight. There would be very little margin for error, which would be dangerous given some manoeuvres would need to be made in reverse gear.
9. Visibility for drivers making these manoeuvres would be restricted by the cars parked on street. It would be materially worse than for cars pulling out of an on-street space, which would in any case be unlikely to do so in reverse gear. Cars parked on-street would also obstruct the view from the carriageway of cars about to exit the new off-street parking spaces. The latter may therefore not have sufficient space to do so, which would likely require one or other of the cars involved to reverse.
10. The situations described above would be dangerous for vehicles, including cyclists, using the carriageway, and for pedestrians trying to cross the road. Whilst I note the pedestrian visibility zones indicated on the plans, the very tight layout would also present a danger to pedestrians on the footway given the necessity for cars to reverse across the cross-over. Even if drivers already take care in Claremont Road and are used to tight manoeuvres because of the high level of on-street parking, this does not sufficiently mitigate the further risk to safety I have identified. In any case, not all users of the road would be familiar with it.
11. It has been put to me the occupants of 17 & 19 Claremont Road would use the new parking spaces to park smaller cars. Whilst this may be the case for the current occupants of those dwellings, there would be little effective control over the size of car that might be parked there by future occupants. Consequently, there is a risk the spaces would be used in future to park larger vehicles, which would be even harder to manoeuvre in and out given the tight layout. This would be likely to increase the danger to other road users.
12. During my visit I observed a small number of other examples of off-street parking in front of dwellings along this part of Claremont Road, including No 37 referred to by the appellant. In those instances, there are no residual walls or railings in front of the parking spaces, and the crossovers are wider than the house frontages. The circumstances in those cases are therefore different from those in the appeal proposal, so they are not directly comparable. In any event, I am required to consider the appeal proposal on its own merits.

13. I accept the new off-street spaces would contribute to reducing demand for on-street parking in this stretch of Claremont Road. However, the new crossover would also remove one on-street space and, although the residual crossover outside No 17 would be closed, people already park in front of it. Overall, I find the net contribution would result in little material improvement to parking congestion in the area.
14. It has also been put to me an entry point for two driveways would be safer than a single entrance created by just removing the wall outside No 17. On the evidence before me, the width of entry proposed would be similar to the width of No 17's frontage, so I give this consideration little weight. Neither of the above factors would outweigh the harm to highway safety I have identified.
15. For the above reasons, I conclude the proposed access and parking arrangement would have a harmful effect on highway safety. This is contrary to Policy DM33 of the Wycombe District Local Plan 2019 (WDLP), which requires development to be provided with safe and convenient access to the local highway network for all modes. It is also contrary to the Buckinghamshire County Council Local Transport Plan 4 and Highways Development Management Guidance 2018, which seek to ensure new developments provide safe and suitable access. It is also contrary to the Framework, which states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

### **Other Matters**

16. The Marlow Conservation Area (CA) comprises the historic core of the small market town, with its layout centred around the High Street. The CA's significance derives primarily from the architectural quality and history of its three component areas: the medieval centre, the riverside, and predominantly Victorian and Edwardian residential streets. Claremont Road is one such street, with a mix of dwellings of differing ages and styles, many of which have attractive front boundary walls. Nos 17 & 19 contribute to the significance of this part of the CA, but their boundary walls are not identified as significant in the CA Character Survey.
17. The proposed development would change the configuration of the boundary walls and railings outside Nos 17 & 19, but they would be partly retained. Cars parked in front of the houses would somewhat detract from the character of the houses. However, the proposed installation of a Victorian-style front garden path and additional planting would enhance the appearance of the frontages and could be secured by condition were the appeal to be allowed. The modest reduction in on-street parking would also slightly improve the appearance of the street. Overall, I find the proposal would have a neutral effect on the significance of the CA, whose character and appearance would be preserved.
18. I acknowledge the current occupiers of Nos 17 & 19 wish to switch to electric vehicles (EV), which is encouraged by the Council's sustainable transport policy and the 'BIG Sustainable Marlow Challenge'. I accept it would be easier to charge EV from the house using the proposed off-street parking spaces rather than on-street parking. I note there is currently no public facility near the appeal site to charge EV. I also note the appellant's willingness to accept a condition securing an on-site EV charging point for each house, were the appeal to be allowed. Nevertheless, this benefit of the proposal would not outweigh the harm to highway safety I have found.

## **Conclusion**

19. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

*C Carpenter*

INSPECTOR