



Appeal Decision

Site visit made on 15 February 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.03.2024

Appeal Ref: APP/K0425/D/23/3334536

78 Wycombe Road, Princes Risborough, Buckinghamshire HP27 0EN

- 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 Mo Fathi against the decision of Buckinghamshire Council.
 - The application Ref: 23/05935/FUL, dated 3 May 2023, was refused by notice dated 15 September 2023.
 - The development proposed is described as a single storey rear extension and formation of a vehicular crossover
-

Decision

1. The appeal is dismissed insofar as it relates to the formation of a vehicular crossover.
2. The appeal is allowed insofar as it relates to the remainder of the application, and planning permission is granted for a single storey rear extension at 78 Wycombe Road, Princes Risborough, Buckinghamshire HP27 0EN in accordance with the terms of the application, Ref: 23/05935/FUL, dated 3 May 2023, so far as relevant to that part of the development hereby permitted, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans as they relate to the works to the single storey rear extension only. The plans are referenced:

Site Location Plan

01 – Existing Floor Plans

02 – Existing/Proposed Elevations

03 – Existing/Proposed Elevations

04 – Proposed Ground Floor Plan

05 – Proposed Block Plan
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

3. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.
4. The appeal relates to a single storey rear extension and a vehicular crossover. However, the application was refused permission by the Council due to highway safety concerns relating to the proposed vehicle crossover.
5. The rear extension element of the appeal scheme is modest in scale and projection, and would result in a visually subservient addition to the host dwelling. The extension would be positioned on the shared boundary with its semi-detached pairing (No.76). No. 76, has windows within its rear elevation from which the extension would be visible. However, an existing outbuilding would be demolished in lieu of the extension. The existing outbuilding projects further to the rear than the extension would, and I consider the effect on living conditions of the occupants of that property arising from the extension would not be any greater than the existing relationship. Therefore, I am satisfied that the proposed rear extension would be acceptable with regard to its effect on the character and appearance of the area and the living conditions of neighbouring occupants. I am therefore in agreement with the Council's findings in this regard.

Main Issue

6. Based on the above, I therefore consider the main issue to be the effect of the development on highway safety.

Reasons

7. The appeal property is a semi-detached house of narrow width, which is set back from the public highway behind a small garden of limited depth and width, which has an open boundary to the front. The site boundaries include low-level fencing on either side. To the front of No 80 Wycombe Road (No 80) is a hedge which projects above the boundary fence.
8. Wycombe Road is a classified A-road with a 30mph speed restriction and is one of the main arterial routes into Princess Risborough. At the time of my site visit, I observed a constant flow of traffic in both directions. To the front of Nos. 44 to 84 Wycombe Road (approximately) is a layby which provides parking for residents. The layby appears to be well used. A narrow pavement separates this layby and front boundary of the dwellings. A number of properties within the immediate area benefit from dropped kerbs with parking provided to the front or side of the properties. Some properties have no off-street parking.
9. The appeal proposes the construction of a dropped kerb within the highway to facilitate vehicular access to the front of the property. Due to the limited size of the site frontage, vehicles could not manoeuvre on-site to enable vehicles to exit in a forward gear. Vehicles would therefore need to reverse on to the site from the public highway or, alternatively, reverse onto the highway.

10. Any reversing off the site would require a manoeuvre which crosses the pavement and layby. Vehicles parked in the layby would obscure visibility of oncoming traffic. The volume of traffic using Wycombe Road and poor visibility created by parked cars is such that the proposals would increase the risk of vehicle conflict or collision. Furthermore, the narrow width of the plot is such that the off-site vegetation to the front of No.80 would be prominent in the drivers sightline, and therefore obscure clear visibility of footpath users.
11. When reversing into the site, should the layby be occupied, vehicles would have to become stationary within the public highway before making their manoeuvre. This would disrupt the free-flow of traffic along a classified road and increase the potential for vehicular conflict. In addition, visibility of users of the footpath may also be obscured by vehicles parked within the layby. This would increase the potential for conflict between different users of the highway. Even if a vehicle could pull onto the layby before reversing into the site, I am not confident that layby is of sufficient width for a manoeuvre to be carried out without the front of the car encroaching into the highway. Again, such a manoeuvre would increase the risk of collision.
12. I note that there are existing properties served by off-street parking in the immediate area. The nature of these arrangements are varied, although it is likely that some existing reversing manoeuvres onto/from the highway occurs. While that may be the case, the development would increase the number of properties making these unsafe manoeuvres onto a classified road. Therefore, the access arrangements for existing properties do not set any precedent for the proposals.
13. The site frontage is of insufficient depth to provide a parking space which would meet the Councils parking standards¹. It is acknowledged that it has been demonstrated that the appellants' existing vehicle can park clear of the pavement. While a small to medium sized vehicle may be able to park in the frontage, this would be tight and very close to the pavement and dwelling frontage. It is evident that the frontage is of insufficient depth to accommodate parking for larger cars. This would result in vehicles overhanging the pavement causing an obstruction to its users. This would be exacerbated by the narrow width of the pavement and would mean that pedestrians would be forced into layby/public highway resulting in potential conflict with vehicles. It cannot be guaranteed that a larger vehicle will not be purchased in the future, either by the appellant or future occupants of the property, and it would be unreasonable to limited the size of any car using the site by condition.
14. As the development would facilitate potential vehicular overhanging into the public highway, I do not consider it appropriate to rely on the Councils ability to enforce against any obstruction of the pavement, particularly where the development, by its very nature, is harmful to highway safety.
15. For these reasons, the proposed development would have an unacceptable effect on highway safety. Therefore, the proposed development conflicts with Policy DM33 of the Wycombe District Local Plan (2019), the Buckinghamshire Local Transport Plan 4 (2016), and the Highways Development Management Guidance (2018). Together, amongst other things, these require development to provide safe and convenient access to the local highway network and seek to

¹ As detailed in paragraph 7.3.1 of the Buckinghamshire Countywide Parking Guidance (2015)

support road safety. The development would also conflict with the Buckinghamshire Countywide Parking Guidance (2015), which requires the appropriate level and type of parking to be provided within developments.

Other Matters

16. The appeal site is within close proximity to a listed building, known as Flint Cottage, and can be considered to fall within its setting. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings, or their setting, or any feature of special architectural or historic interest which they possess.
17. Flint Cottage is a detached dwelling, located two properties away from the appeal dwelling. The proposed vehicular crossover and hardstanding would be visible in the context of the of the listed building from Wycombe Road. Nonetheless, the modest nature of the development is such that it would not visually compete with Flint Cottage or affect views to and from the building. The proposed rear extension, due to its siting, would have limited intervisibility with the listed building.
18. For these reasons, I consider that the setting of nearby listed buildings would be preserved.
19. The off-street parking would enable practical charging for electric vehicles and would encourage the use of such vehicles. This, in turn, would help to address the effects of climate change. Such environmental benefits cannot be understated and the development would help contribute towards the transition to a low-carbon future. However, the benefits would be limited to a single property and as such they would not be so great to outweigh the harm to highway safety that I have identified.
20. It is acknowledged that the development would also benefit an elderly, disabled relative who resides at the property. These are 'protected characteristics' embraced by the public sector equality duty under s149 of the Equality Act 2010. I am sympathetic to these circumstances, and while it would be advantageous to provide more convenient access, I can only attach moderate weight in favour of the providing a development which would improve the quality of life for its occupants. I consider that this, and other benefits identified, individually or cumulatively, do not outweigh the harm that the development would cause in relation to the main issue. Therefore, it is proportionate and necessary to dismiss the appeal.

Conditions

21. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition requiring the rear extension to be constructed from materials to match the existing dwelling is also necessary in the interest of character and appearance.

Conclusion

22. The element of the scheme with which I take issue is severable from the remainder of the proposal. Therefore, for the reasons I have given, and having

regard to all other matters raised, I conclude that the appeal should be dismissed in relation to the vehicular crossover. However, the appeal should succeed in relation to the single storey rear extension.

D Cleary

INSPECTOR