



Appeal Decision

Site visit made on 27 July 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/J0405/D/24/3342919

25 Elmhurst Road, Aylesbury, Buckinghamshire HP20 2AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Lerisa Dias against the decision of Buckinghamshire Council.
 - The application Ref is 24/00208/APP.
 - The development proposed is dropped kerb to front of property.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the appeal proposal on highway safety.

Reasons

3. The proposed development is for the construction of a new dropped kerb and vehicle access on a Classified A Road - the A4157 Elmhurst Rd. This is a main strategic route to and from Aylesbury town centre. It experiences a high volume of traffic throughout the day and is subject to a 30mph speed limit and a 'no waiting at any time' parking restriction within the vicinity of the site. There are two lanes of traffic opposite the proposed access which lead to a major signalised junction to the west of the site. During the site visit, there was frequently a long queue of traffic waiting to cross the junction. The line of traffic often extended well beyond the appeal site. Whilst acknowledging that a site visit can only reflect a snapshot of time, it is likely that there is heavier traffic here during the busier rush hour.
4. The appeal house stands close to the signalised junction. There is inadequate space on its frontage to enable a vehicle to turn in order to leave and enter in forward gear. Vehicles entering or leaving the property in reverse would be at risk of and have the potential to cause collisions, including with vehicles which have recently passed through the junction. The slowing down and turning movements of vehicles using the proposed vehicle crossover would lead to a potential source of danger and would be a hindrance to the safe movement of traffic at this point.
5. Elmhurst Rd has dropped kerbs and parking lay-bys along its length. However, none of the properties on the side of the road between the traffic lights and Cannock Rd have vehicle accesses. Other properties close to this junction on the opposite side of the road have dropped kerbs. However, these do not

appear to be recent additions, they lead to vehicle turning areas and their locational relationships with the junction are different to the appeal proposal. Nonetheless, each case must be considered on its individual merits, taking account of the distance of the appeal site from the junction and considering whether its characteristics are sufficient for the safe installation of a dropped kerb.

6. The appellant states that the young family occupants struggle without parking at the property. Whilst I have some sympathy for their situation, personal circumstances cannot outweigh the wider public highway safety concerns that would arise because of the appeal proposal. Furthermore, personal circumstances and the occupation of properties change over time. It is also stated that the current use of the driveway without a dropped kerb represents a more dangerous situation because cars must mount the kerb and as a result are slower to leave the highway and are less controlled entering the highway across a raised kerb. This action is undoubtedly dangerous. However, as it amounts to unauthorised crossing onto the adjacent road, this matter can be given no weight in this decision.
7. For the reasons already set out, I conclude overall that a safe vehicle access to the appeal site could not be achieved as its use would encroach onto and affect a major road junction and there is insufficient turning space within the site. In combination, these factors would lead to an unacceptable risk of conflict between highway users.
8. The proposed development is therefore contrary to Policy T5 of the Vale of Aylesbury Local Plan 2013 - 2033, the Buckinghamshire Council Local Transport Plan 4 (adopted April 2016), the Buckinghamshire Council Highways Development Management Guidance document (adopted July 2018), the Buckinghamshire Council Buckinghamshire Countywide Parking Guidance Policy (adopted September 2015) and the highway safety requirements of the National Planning Policy Framework.
9. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Elaine Benson

INSPECTOR