



Appeal Decision

Site visit made on 5 December 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Appeal Ref: APP/X0415/D/24/3353228

202 Chairborough Road, High Wycombe HP12 3UE

- 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 Mr Keith Sherwood against the decision of Buckinghamshire Council (Wycombe Area).
 - The application Ref is 24/05538/FUL.
 - The development proposed is hardstanding/driveway at the front of the property extending out towards the road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) was revised in December 2024. I do not consider that there are any material changes in the Framework, pertinent to this appeal proposal. It is not therefore necessary to seek the views of the Appellant or the Council on the revised Framework.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the property and the street scene, and
 - the effect of the proposal on pedestrian and highway safety.

Reasons

- ***Character and Appearance***
4. The appeal property is a two storey terraced house at the eastern end of a short terrace of 4 houses on the north side of Chairborough Road and within a predominantly residential area to the north and west, although there are commercial uses bordering to the south of the road. There is pedestrian access only to the property and to the immediately adjoining property with off street parking serving Nos 206 and 208. In front of the house there is a deep grass verge and then a footway before a narrower section of grass verge adjoining the vehicular highway. I understand that this land beyond the curtilage boundary wall is all highway land.

5. The adjoining dwelling to the east which turns the corner from Chairborough Road into Chiltern Avenue has a large paved forecourt to the front and to the side with a dropped kerb and gates adjoining the appeal property and parking within its curtilage.
6. The proposal seeks to introduce a dropped kerb and then a 5m wide tarmac surface for the access and parking of cars which would necessitate the removal of part of the front boundary wall. The proposed dropped kerb together with the tarmac area for access and parking are shown approximately centrally in front of the house, which has a projecting porch and steps within the front garden area.
7. Chairborough Road is varied in character and appearance and the deep highway verge is not continued beyond the terrace of four houses. In the vicinity there is either a narrow grass verge adjoining the vehicular highway or just the footway between the vehicular highway and the houses. The existing grass verge outside the terrace of four houses is already broken up because of the vehicular accesses to the two properties at the other end of the terrace. There is also evidence as seen in the photographs provided by the Appellant and as seen at my site visit that cars park on the grass verge outside of their front boundaries. I do not therefore consider that this area of deep highway verge is a characteristic feature of the local pattern of development and it makes a very limited contribution to the character and appearance of the wider street scene.
8. Given the shallow depth of the existing front garden beyond the porch and steps serving the appeal property, it is highly probable that most parked cars would protrude beyond the line of the existing boundary wall. However, and as set out above, this deep grass verge is already broken up and there are parked cars using this grass area. Furthermore, there are many examples in the local vicinity of on street parking, including partly across verges and footways. As a result of all of these factors, I do not consider that were parking to extend onto the deep grass verge this would detract from the character and appearance of the local area or the character and appearance of the existing property.
9. I therefore conclude that the proposal would not detract from the character and appearance of the existing property or of the local area. There would be no conflict with Policies CP9, DM35 and DM36 of the Wycombe District Local Plan (2019) and the Framework and in particular Section 12 all of which seek a good quality of design which respects the local context.
10. The proposal would not comply with the guidance at Section 12 of the Council's Householder Planning and Design Guidance SPD (2020) given that it would be unlikely to be able to park a car wholly within the curtilage of the site. However, in the particular circumstances of this case and for the reasons set out above, I am satisfied that there would be justification for an exception to be made to this part of the SPD.

• ***Pedestrian and Highway Safety***

11. Chairborough Road is an unclassified, long and busy road and subject to a speed restriction of 30mph. It is on a bus route and there appear to be no on-street parking restrictions along this part of the road. There is evidence in photos and as seen on my site visit of on-street car parking, including cars parked partly on the footpath or verges.

12. The Council has estimated that the depth within the front garden area, clear of built development would only be around 3.3m. I have no reason to take a different view and this depth would be considerably short of the Council's standards for the depth of a parking space of 5m. The proposed width would not allow for two cars to park side by side but if tandem parking were to occur this could lead to parked cars overhanging and obstructing the Chairborough Road footway. Whilst there are examples in the local vicinity of parked cars partly obstructing the footway, this is not a solution to be condoned or encouraged. I consider that the proposal would therefore lead to concerns over pedestrian and highway safety.
13. I have taken account of the Appellant's comments about how they would park their cars and that they would not undertake tandem parking. However, if permitted, the arrangement would endure for future residents who would have different vehicles and potentially would adopt different parking arrangements.
14. I therefore conclude that the proposed development would not be satisfactory in terms of highway and particularly pedestrian safety. This would conflict with Policy DM33 of the Wycombe District Local Plan, the Buckinghamshire Council Buckinghamshire Countywide Parking Guidance Policy (2015) as well as the Framework and in particular paragraph 115 all of which, amongst other matters, seek safe and suitable access for all users.
15. The reason for refusal also refers to the Buckinghamshire Council Local Transport Plan 4 (2016) and the Buckinghamshire Council Highways Development Management Guidance document (2018) but these have not been provided to me and I am therefore unable to take them into account.

Other Considerations

16. The Highway Authority has made suggestions as to the manner in which off street parking might be provided at the appeal property, albeit noting the presence of a telegraph pole outside of the curtilage on the highway land, but I am required to consider the proposal on the basis of the information and submitted proposal before me.
17. My attention has been drawn to the permission granted on appeal under the Ref: APP/K0425/D/18/3201873 for an access and parking area at No 206 Chairborough Road. However, in that example the property benefits from a deeper front garden allowing cars to park within the curtilage of the site.
18. The Appellant has raised a concern about the length of time it has taken for the Council to process the application, but my decision is solely based on its planning merits.

Planning Balance and Conclusion

19. I have found that there would be no harm to the character and appearance of the local area as a result of the proposal. I have taken into account the Appellant's reasons for seeking off-street parking and there would be benefits from providing off-street parking. However, these findings do not outweigh the harm I have concluded to highway and particularly pedestrian safety from the particular proposal before me.
20. The proposal would not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR