



Appeal Decision

Site visit made on 26 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2025

Appeal Ref: APP/J0405/W/24/3346721

57 Buckingham Road, Aylesbury, Buckinghamshire HP19 9PT

- 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 M Champney against the decision of Buckinghamshire Council.
 - The application Ref is 24/00820/APP.
 - The development proposed is new 1 Bedroom flat to the rear of 57, Buckingham Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In December 2024 a revised National Planning Policy Framework (the Framework) was published. However, in respect of the main issues for consideration in this appeal, the revised Framework has not changed Government Policy and so the cases for the appeal parties have not been prejudiced. I shall consider the appeal accordingly. In respect of the paragraphs submitted that are no longer correct, I have considered the most relevant paragraph in the current Framework.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area,
 - highway and pedestrian safety,
 - the living conditions of neighbouring occupiers with regard to privacy, and
 - whether adequate living conditions would be provided for future occupiers with regard to internal floor space.

Reasons

Character and appearance

4. The appeal site is located to the rear of No 57 Buckingham Road which is a two storey terraced building which is currently being used as a house in multiple occupation. The appeal site can be accessed by Lucky Lane which is a narrow lane accessible from Buckingham Road and New Street. Lucky Lane runs behind a number of buildings on Buckingham Road and is predominantly used to access parking to the rear of these buildings.

5. The wider area is predominantly residential with two and three storey buildings that front Buckingham Road. The rear of the appeal site is mostly open with many of the buildings having informal parking to the rear, some of which are related to businesses which have more formal, and marked parking bays.
6. The Vale of Aylesbury Local Plan Design Supplementary Planning Document Adopted 2023 (Design SPD) describes the buildings in the area of being traditional in design that adopt a consistent and simple form. This is generally reflected within the street scene with many buildings being of similar design and appearance resulting in constituency within the street scene.
7. The proposal is for a two storey building that would provide an opening on the ground floor for cars to pass through and access parking to the rear, with the proposed accommodation on the first floor.
8. Development along Lucky Lane is very limited and as such, a detached two storey building would stand out as an alien feature. There are some garages that appear to have accommodation above them on the lane along with a small, detached dwelling next to this, however, these generally appear as garages which better link with the buildings that they are associated with on Buckingham Road. The appeal proposal, due to its design and open space surrounding it would appear more obviously as a standalone dwelling that would have a jarring effect.
9. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policy BE2 of the Vale of Aylesbury Local Plan (VALP) 2013 – 2033 Adopted Plan September 2021 (LP), guidance contained within the Design SPD and Paragraph 135 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development complements the local distinctiveness and vernacular character of the locality.

Highway and pedestrian safety

10. Lucky Lane is narrow and would not allow two cars to pass each other when using the lane at the same time. There are no formal passing places and as such, should two cars be using the lane at the same time when traveling in opposite directions they would need to manoeuvre onto the various accessways. Many of the areas to the rear of buildings along Lucky Lane are being used for parking or enclosed by fences and walls which would mean that there would be little space to manoeuvre which could therefore lead to conflicting vehicle movements.
11. Very little information has been provided about vehicle movements on Lucky Lane, however, it was evident from my site visit that the use of the areas to the rear of the buildings for parking is high, particularly those associated with businesses. It is therefore likely that there are frequent comings and goings throughout the day. The proposal would introduce further vehicle movements and increase the likelihood of conflict which would be detrimental to highway safety.

12. The appeal site is located close to a number of facilities accessible by walking and public transport. However, this would require future occupiers to walk along Lucky Lane which has no footpaths. Gowers Field is accessible by walking a short section of Lucky Lane which then has a footpath. However, Gowers Field is a cul-de-sac and heads away from the town centre and its facilities. Instead, it is more likely that future occupiers would walk along the long stretch of Lucky Lane towards New Street which gives access to the town centres facilities.
13. The narrow width of Lucky Lane, combined with the conflicting vehicle movements and manoeuvres is likely to put pedestrians walking along the lane in danger. Vehicles entering and exiting the various accessways would unlikely expect to see pedestrians using the lane and would have limited visibility which would further increase the risk to these users.
14. I acknowledge that the use of Lucky Lane is an existing situation and also that the appellant states there is no evidence of an existing problem. However, it would be more likely that the existing occupiers would leave the property from the front and access Buckingham Road rather than using the lane, and in any case the existing situation would not provide a reason for allowing a potentially unsafe situation to continue.
15. The appellant has referred to the Manual for Streets albeit I have not been provided with a copy of this document. The information provided also referred to traffic flows but these have not been provided for the appeal before me. I have therefore had limited regard to this information, and while I agree the proposal would not significantly increase the amount of vehicles entering or leaving the highway it would nonetheless be an increase and be harmful for the reasons outlined.
16. I therefore conclude that the proposed development would unacceptably harm highway and pedestrian safety. It would be contrary to Policies T6 and T8 of the LP, Buckinghamshire County Council Transport, Economy and Environment Buckinghamshire's Local Transport Plan 4 March 2016-2036, Buckinghamshire County Council Transport, Economy and Environment Highways Development Management Guidance: Managing the transport and travel impact of new developments July 2018 and Paragraph 115 of the Framework. Amongst other things, these seek to ensure that safe and suitable access to the site can be achieved for all users.

Living conditions of neighbouring occupiers

17. The proposed dwelling would have a window that would face towards the rear of No 57 and would mean that the limited amenity space would be overlooked by the occupiers of the proposed dwelling. The proposed window would not be angled away from the rear amenity space and as such would allow direct views of this space. The separation distance between the proposed dwelling and rear amenity space would not be enough to mitigate the direct views and unacceptable overlooking.
18. I therefore conclude that the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy. It would be contrary to Policy BE3 of the LP and Paragraph 135 of the Framework which amongst other things, seek to ensure that development would not unreasonably harm any aspect of the amenity of existing residents.

Whether adequate living conditions would be provided for future occupiers

19. The proposed floorspace would be 41sqm which is below the minimum floor space set out within Nationally Described Space Standards. There would be natural light provided by windows on the front and rear of the building. However, the room sizes would be very small with very little room for storage and circulation within the dwelling. As a result, the proposal would result in a contrived space that would not provide adequate living conditions for future occupiers.
20. I therefore conclude that the proposed development would not provide adequate living conditions for future occupiers. It would be contrary to Policy BE3 of the LP and Paragraph 135 of the Framework which amongst other things, seek to ensure that development would achieve a satisfactory level of amenity for future residents.

Other Matters

21. The appellant has referred to examples of other developments in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances of these. In any case, I have determined the appeal on its own merits, based on the evidence before me.
22. The appellant refers to Frobisher Court which they consider sets a precedent for the proposed development. However, this is a large development that backs onto Lucky Lane, extending almost the full length of the lane. I have been provided very little details about this development; however, it is materially different to the proposed development through its design and overall scale. It is also clearly separate from the character and appearance of Lucky Lane which consists of the mostly open rear of the buildings.
23. The proposed development would contribute to new housing which is a benefit that attracts significant weight. It does not however outweigh the substantial harm outlined.
24. The Council have found that the proposed development would provide an acceptable outlook for future occupiers, however, this is a neutral matter.

Conclusion

25. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR