



Appeal Decision

Site visit made on 18 December 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/T0355/D/24/3350242

1 Chestnut Drive, Windsor SL4 4UT

- 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 & Mrs Philip Robson against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application ref. is 24/00341/FULL.
 - The development proposed is the replacement of the front boundary treatment with a new drop kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development on the appellant's application form was "new fence to mask the skeletal remains of a hedge cut back as per RBWM instruction ". In the box heading above I have used the description of the proposal from the Decision Notice issued by the Council because it more accurately describes what development is proposed in the planning application. As part of the front boundary treatment, the appellant proposes two sets of gates. One set would serve the existing access to the dwelling and a second set would serve a new secondary access (vehicular/pedestrian) to the dwelling and would require a dropped kerb.

Main Issue

3. The main issue in the appeal is the effect of the secondary access on highway and pedestrian safety.

Reasons

4. No.1 Chestnut Drive is a mainly two-storey detached dwelling with 5 bedrooms. It is located on a residential cul-de-sac in Windsor. It is situated to the north of Chestnut Drive on a part of the Drive which forms a gently s-shape. It has an existing vehicular and pedestrian access which allows vehicles to park on the site in a front parking area. The attached garage appears to have been

converted to habitable residential accommodation. The access has an existing dropped kerb.

5. There are about 36 properties on the cul-de-sac. There are footways on each side including in front of the appeal site boundary. At the time of my site visit there was ample unrestricted on-street parking available and nothing leads me to conclude that on-street parking in the cul-de-sac is typically difficult to find.
6. The proposal includes the erection of a close boarded fence about 50mm from the front boundary/rear edge of the footway. It would stand in front of a cut-back boundary hedge. The fence would be about 1950mm high and would have two sets of gates within it, of about the same height. One set of gates would be erected on the existing vehicular access to the site. One would be near the western boundary of the garden and would be a new crossover/dropped kerb. These are described as "new gates to give access to side garden area". These gates would be situated in line with the proposed new fence, as would the other set of gates. The focus of the appeal is on the appropriateness of the secondary access and the location of its gates.
7. The guidance notes issued by the Highway Team accompanying the "Domestic Vehicle Crossover Application Form" state that in order to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one vehicular access to the public highway will be permitted per property. This, it is said, will also help to ensure that features such as front walls, hedges, fences and gardens can be retained in order to preserve these elements of the street scene. If there is an existing crossover including to the side or rear of a property, applications for additional crossovers will be refused.
8. The appellant indicates that it is their intention not to use the secondary access regularly as there is an existing parking area adequate for the needs of the property. The gates would open inwards and would tend, it is said, to be used by this appellant only when large items or equipment need to be brought through to the side and rear of the property. Notwithstanding that, and acknowledging that I am also obliged to consider how future occupants might use the secondary access, I consider that the proposed secondary access would result in the risk of increased pedestrian safety issues. There would be the potential for conflict with pedestrians using the footway crossing in front of the secondary access. The secondary access would not help to create a safe or comfortable environment for pedestrians or cyclists contrary to policy IF 2 of the Borough Local Plan (2013-2033). It would not deliver safe access and movement for pedestrians and cyclists as sought in policy QP 3 of the same plan. It would not create a place that would minimise the scope for conflicts between pedestrians, cyclists and vehicles, as advised by paragraph 117(c) the National Planning Policy Framework 2024.
9. I have borne in mind the nature of other accesses to properties in the Drive and also the fact that this is a cul-de-sac where footfall tends to be limited in size. I have taken into account the length of the front boundary but do not consider that to be a cogent reason for a secondary access. None of these factors lead me to a conclusion other than that the proposed secondary access would be harmful.
10. I note that the Highway Team suggest that the secondary access gate should be situated "a minimum of 5 metres from the back edge of the footway to ensure

no impact on the footway or carriageway when stopping at the gate to gain access into the property". This is not, it appears, cited as a reason for objecting to the proposed main access gates (which are also part of the appeal proposal). In the particular circumstances of this case and in the light of limited information, the lack of a 5m set back into the garden area of the appeal site to serve the proposed secondary access is not a factor that I have given weight to in refusing the secondary access in this particular case.

11.I conclude that the proposal would have an unacceptable adverse impact on highway and pedestrian safety and would be contrary to policies IF 2 and QP 3 of the Borough Local Plan 2013-2033 (adopted 2022) and the National Planning Policy Framework 2024.

Conclusion

12.Having considered all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.
Inspector