



Appeal Decision

Site visit made on 4 February 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

Appeal Ref: APP/X0415/W/24/3350276

**Land to the rear of 1 Oakington Avenue, Little Chalfont, Buckinghamshire
HP6 6SY**

- 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 A Terry against the decision of Buckinghamshire Council.
 - The application Ref is PL/24/0994/FA.
 - The development proposed is retention of temporary vehicular construction access onto Amersham Road for use by the approved dwelling (PL/18/3984/FA).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Buckinghamshire Council against Mr Andrew Terry. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on highway safety.

Reasons

4. The appeal seeks to retain a vehicular access onto a parcel of land off the Amersham Road. The road forms part of the A404 which connects to the M4, M40 and M25 motorways and is identified as a Strategic Inter-Urban Highway within the Buckinghamshire Network Hierarchy with the primary goal of supporting the efficient movement of motor traffic, including freight distribution. It is identified that the number of junctions on such routes should be minimised.
5. The appeal site is located opposite the access to Chalfont Avenue and is located close to Latimer Rail Station. The access is also close to a traffic camera, pedestrian crossing and a junction for Oakington Avenue. The wider area is residential and I note the proximity to a school and centre of Little Chalfont.
6. The appeal follows an identical proposal and subsequent appeal decision¹ where it was concluded that the permanent access would unacceptably harm highway safety. In response to the previous appeal decision the appellant has provided a further updated Stage 3 Road Safety Audit (RSA).

¹ APP/X0415/W/21/3282809

7. The RSA identified two problems, restricted visibility could lead to side impact collisions or rear end shunts and unexpected direct access could lead to side impact collisions or rear end shunts. The recommendations to resolve these concerns are a visibility splay at 70m which is kept free from obstruction by foliage and a regular maintenance regime put in place to ensure that this is the case at all times. It is also recommended that a sign is installed to highlight the concealed access.
8. The vegetation to the front of the appeal site has been cut in order to improve visibility and a 70m horizontal and vertical visibility splay has been demonstrated as achievable to the nearside kerbline. However, the land is outside of the appellant's control and while I note that a Unilateral Undertaking (UU) has been provided it is incomplete through missing information such as that its undated, not accompanied by a site plan, the Council is not named and the planning permission associated with it is not included. The requirements are also not specific enough in order to ensure that the visibility splay is maintained in accordance with the details.
9. As such, the UU would not be legally binding, and I therefore cannot be satisfied that the visibility splay would be kept free from obstruction at all times. It is therefore likely that the access could lead to side impact collisions or rear end shunts.
10. I acknowledge the potential for there to be a low number of vehicle movements associated with the property, however, for the reasons outlined this does not mitigate the risk of collisions or shunts.
11. I therefore conclude that the development would unacceptably harm highway safety. I find conflict with Policy CS26 of the Local Development Framework Core Strategy for Chiltern District adopted November 2011 and Policy TR2 of the Chiltern District Local Plan Written Statement Adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011. Amongst other things, these seek to ensure that development is to be provided with safe and suitable access for all users.
12. I also find conflict with guidance contained within Buckinghamshire's Local Transport Plan 4 March 2016-2036 and Highways Development Management Guidance: Managing the transport and travel impact of new developments July 2018. Amongst other things, these seek to support road safety and reduce the risk of injury.

Other Matter

13. The Council have not raised concerns in relation to the amenity of the existing dwelling or future occupiers of the proposed dwelling. However, this is a neutral matter.

Conclusion

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

D Wilson

INSPECTOR