



Appeal Decision

Site visit made on 11 February 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/J0405/D/25/3358321

16 London Road, Aston Clinton, Aylesbury, Buckinghamshire HP22 5HQ

- 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 Laura Kelly against the decision of Buckinghamshire Council.
 - The application Ref is 24/03314/APP.
 - The development proposed is described as: Dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the safety of highway users.

Reasons

3. London Road, in the locality of the appeal site, is formed of two lanes and is relatively straight. Both sides of the road are fronted predominantly by residential properties, some of which have existing dropped kerbs. The road is a bus route and there is a bus stop diagonally opposite the appeal site. There is a pedestrian crossing in front of the adjacent property, 14a London Road. The associated white zig zag road markings extend in front of the appeal property and 18 London Road, where they meet double yellow line road markings, which continue to 22 London Road.
4. At the time of my visit, during late morning on a weekday, there were frequent vehicle movements along London Road, with only occasional short gaps in traffic flow. Vehicles were generally travelling at the 30 miles per hour speed limit, unless slowed or stopped by the pedestrian crossing or to allow for busses stopping at the bus stop. Whilst I appreciate my observations were only a snapshot in time, I have no reason to believe that what I saw was not typical of circumstances at this site.
5. The appeal proposal is to construct a dropped kerb on the footway to allow vehicle parking on the front of the appeal site. Existing landscaping would be removed from the frontage of the appeal site to create space for one vehicle to park. The parking space would be parallel to the front of the property.
6. The proposed parking space would be confined on three sides by the front elevation of the appeal building, the boundary fence to the left and the boundary hedge to the right of the appeal site. This means there would be limited turning space within the appeal site. Accessing the proposed parking space would therefore require the driver to make a series of manoeuvres on the carriageway and across the footway.

7. Given the heavily trafficked nature of London Road, this would result in a disruption in the flow of traffic and an increased risk of collision with other vehicles and pedestrians. I am mindful that drivers in this location are also navigating the nearby pedestrian crossing and buses manoeuvring in and out of the bus stop on the opposite side of the road.
8. The appellant considers that the proposal would improve safety by reducing on street parking. However, on street parking is restricted directly in front of and close to the appeal property by the white zig zag and double yellow line road markings and so I give this consideration limited weight in my decision.
9. The appellant also asserts that other properties in the area have driveways with less space, that require reversing to access, and that properties in the vicinity have been granted permission for similar developments. I did observe dropped kerbs and off road parking areas in the vicinity of the appeal site during my visit. However, I do not have details of how all these came to exist, and I did not see any in this part of London Road that were directly comparable with the appeal proposal. In any event, they do not justify the appeal development in light of the harm I have found.
10. According to the appellant, benefits would be derived from the proposed permeable materials and landscaping. The proposed parking area would, however, require the removal of the existing larger landscaped area to the front of the appeal site. The appellant states the proposal would support planned traffic calming measures on London Road and that they have obtained support from their immediate neighbours. However, evidence demonstrating this has not been provided. I therefore give these matters limited weight and they do not alter my overall conclusion.
11. My attention has been drawn to Policy T6 of the Vale of Aylesbury Local Plan 2021, which concerns levels of car parking. Reference is also made to the Buckinghamshire Council Local Transport Plan 4 (2016), the Buckinghamshire Council Countywide Parking Guidance Policy (2015) and the Buckinghamshire Council Highways Development Management Guidance Document (2018). However, it has not been explained how policy T6 or these documents are relevant to the main issue in this appeal. I therefore find they weigh neither in favour of or against the appeal development.
12. Taking all of the above into account, the proposal would be harmful to the safety of highway users. As such, the proposal would conflict with paragraph 116 of the National Planning Policy Framework which states development should be refused if there would be an unacceptable impact on highway safety. This is a material consideration in this case.

Conclusion

13. For the reasons given above, the proposal would conflict with the Framework overall and there are no material considerations that would outweigh that conflict. Therefore, the appeal should be dismissed.

A O'Neill

INSPECTOR