



Appeal Decision

Site visit made on 21 January 2025 by M Long BA (Hons) MSc MRTPI

Decision by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2025

Appeal Ref: APP/J0405/D/24/3357741

98 Weedon Road, Aylesbury, Buckinghamshire HP19 9PB

- 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 Michael Schofield against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 24/02335/APP.
 - The development proposed is a single storey garage to rear of property and dropped kerb and crossover to front of property.
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Decision

1. The appeal is dismissed insofar as it relates to the dropped kerb and crossover to the front of the property.
2. The appeal is allowed insofar as it relates to the single storey garage to the rear of the property. Planning permission is granted for a single storey garage to the rear of property at 98 Weedon Road, Aylesbury, Buckinghamshire HP19 9PB in accordance with the terms of the application, Ref 24/02335/APP, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. PPA 101 (Options Plans) only insofar as it relates to the location plan and the single storey garage to the rear of property.
 - 3) No development relating the installation of external materials shall take place until details of the external surfaces of the development hereby permitted are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. The Council has only raised substantive concerns with regard to the dropped kerb and crossover to the front of the property and not in reference to the proposed single storey garage to the rear of the property. From the evidence before me, I see no reason to disagree with the Council's position with respect to the garage. I am

satisfied that the proposed single storey garage to the rear of the property is severable from the proposed dropped kerb and crossover. I therefore shall only consider the proposed dropped kerb and crossover, which will be the focus of the remainder of this recommendation.

Main Issue

5. The main issue is the effect of the proposed dropped kerb and crossover to the front of the property on highway safety.

Reasons for the Recommendation

6. The site is located on Weedon Road (A4157) which is a busy thoroughfare that connects to other classified roads, as well as quieter residential streets. It is subject to a 30 miles per hour speed limit. During my site visit, I observed a steady flow of traffic in both directions. I acknowledge that this is just a snapshot in time, but it is likely that traffic would be heavier during busier rush hours.
7. The appeal property has a gravelled front area and is set back from the carriageway by a grass verge and pavement. It has an existing access to its rear off a access track that connects onto Meadowcroft, a relatively quiet road. Its neighbour, 100 Weedon Road (No 100), has tall hedges in its front garden along the shared boundary with the site and there is a mature street tree within the grass verge in front of it. The centre of the vehicular carriageway is denoted by hatched markings in front of the section of the road where the appeal site is located, which separate the lanes of traffic and provides a ghost right turn into Cromwell Avenue.
8. The size of the gravelled front area, serving the appeal dwelling, would be an insufficient size to turn a vehicle without excessive manoeuvring, particularly in instances where two vehicles would be using the area. In these circumstances, it is likely that motorists would either reverse into or from the site and so they would not have optimum visibility. The lack of visibility would be further exacerbated by the tall hedges at No 100, and the nearby mature street tree creating a further substantial obstruction to a motorist's field of vision. As such, there would be an increased potential for unsafe use of the proposed access which would increase risk to the safety of other highway users.
9. Moreover, drivers turning right towards the proposed dropped kerb or exiting the site to join the lane of traffic on the other side of the road would need to be cautious about entering the area of hatched markings in the centre of the vehicular carriageway and due to the close proximity of the ghost right turn. If it were not safe to do so, this would increase risk and cause potential inconvenience for users of the highway as motorists wait for a safe opportunity to cross over this busy thoroughfare.
10. The appellant suggests that there have been no recorded incidents in the local area relating to movements from existing vehicular access points, although no detailed information has been provided. Also, it is suggested that other highway users are aware of the presence of vehicular accesses in the area and so already exercise a degree of caution. Even acknowledging this, and that the use of the access would likely be infrequent and at low speeds, this does not overcome my concerns relating to the potential hazards that arise from the lack of optimum visibility when reversing into or from a busy highway and in regard to crossing the area of hatched markings in the central vehicular carriageway.

11. I noted that other properties on Weedon Road are served by dropped kerbs, including at 116 Weedon Road. However, the full details of these schemes are not before me and so I cannot be certain of the planning context in which they may have received consent. Nevertheless, their presence does not justify a scheme which I have found to be harmful to highway safety due to its site-specific context and, in any case, each appeal must be determined on its individual merits.
12. Although concerns have been raised regarding the principle of the creation of an access onto this particular road, I have not been provided with any compelling evidence or policy basis as to why this would, in principle, be harmful. Nonetheless, this does not negate my concerns with respect to highway safety regarding the specific design and location of the proposal, as explained above.
13. As such, the proposal would be contrary to Buckinghamshire County Council's Buckinghamshire's Local Transport Plan 4: March 2016 – 2036, specifically Policy 17 which seeks to ensure that new developments provide safe and suitable access.
14. I conclude that the proposed dropped kerb and crossover to the front of the property would have an unacceptable effect on highway safety. The Council have mentioned conflict with Policy T4 (Capacity of the transport network to deliver development) of the Vale of Aylesbury Local Plan (2021). However, this Policy has a strategic focus and its relevance to the small-scale nature of the appeal scheme has not been demonstrated. While there is not a local plan policy before me with which the proposal conflicts with, there would be overriding conflict with the Local Transport Plan and the aims of the National Planning Policy Framework (the Framework). In particular, Paragraph 116 which seeks to resist development that would have an unacceptable impact on highway safety.

Other Matters

15. The officer report indicates that the site is located in a Green Impact Risk Zone for Great Crested Newt Habitats. Even so, the Council has confirmed that it is unlikely that the proposed works would have any impact on the protected species and there is no contrary evidence to suggest that this would not be the case.

Conditions

16. With regard to the proposed single storey garage to the rear of the property, I recommend a condition for the standard time period for commencement and a condition requiring that development be carried out in accordance with the approved plans as this provides certainty.
17. I only have limited details of the proposed external materials of the single storey garage. Therefore, a condition that requires details of the external materials to be approved by the Council prior to their installation is necessary to protect the character and appearance of the area.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that in relation to the dropped kerb and crossover to the front of the property, the appeal is dismissed. However, I recommend that in relation to the single storey garage to the rear of the property, the appeal is allowed which grants planning permission to the single storey garage.

19. The proposal would not accord with the Framework and the County Council's Local Transport Plan, despite finding no conflict with the development plan, with respect to the proposed dropped kerb. These are important material considerations that indicate that this element of the proposal would be unacceptable.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is subject to a split decision, part allowed and part dismissed, as set out in the above terms.

B Plenty

INSPECTOR