



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: 28 March 2025

Appeal Ref: APP/J0405/D/24/3356908

59 Elmhurst Road, Aylesbury, Buckinghamshire HP20 2AG

- 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 Mrs Fatima Khomsi Bendraz against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 24/02069/APP.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Main Issue

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

Reasons for the Recommendation

4. The appeal site is located on a Classified A Road – the A4157 Elmhurst Road. This is a busy route through the town that carries a high volume of traffic, and which has a 30 miles per hour speed limit. Opposite the site, there is a junction with Radnor End, a quieter residential road. The section of Elmhurst Road where the appeal site is located has hatched markings in the centre of the vehicular carriageway that separate the lanes of traffic. In front of the junction with Radnor End, there is a ghost right turn into this road. Motorists exiting Radnor End and turning right onto Elmhurst Road also cross through this central space.
5. The appeal property has a large, paved forecourt and is set back from the carriageway by a grass verge and footway, with a street tree in front of the neighbouring dwelling. The property also has an existing access and paved parking area to its rear. I noted some properties in the vicinity of the site have existing vehicular accesses to their frontage along Elmhurst Road.
6. The front forecourt is large enough to turn a vehicle around so that it could both enter and exit the site in forward gear, however, there is no certainty that this would be the case for all uses of the proposed vehicular access. Also, I do not consider this would be possible without excessive manoeuvring in the event that two vehicles were using the forecourt. Therefore, there is a likelihood that motorists

would reverse into or from the site and, in doing so, would not have optimum visibility in both directions, compounded by the adjacent street tree. Consequently, there would be an increased risk to other highway users, including other motorists, pedestrians and cyclists.

7. This would be further compounded by the proximity of the proposed access to the Radnor End junction and its associated highway movements. Drivers turning right into the proposed access or exiting the site to join the lane of traffic on the other side of the highway would need to be cautious about entering into the area of hatched markings in the centre of the carriageway and crossing over a busy lane of traffic.
8. Additionally, exiting motorists would need to be alert to the potential for vehicles waiting in the ghost right turn into Radnor End, as well as those crossing it when exiting the junction and turning right onto Elmhurst Road. This would be made more difficult in the event that a motorist was reversing and did not have optimum visibility. For these reasons, there would be an increased risk to highway safety through the use of the proposed access, thus resulting in an increased potential for highway collisions and for impediments to the flow of traffic, causing confusion and inconvenience to other highway users.
9. The use of the vehicular access would be likely to be infrequent and at a low speed and, due to the presence of existing vehicular accesses in the area, highway users are likely to have an alertness to the potential for vehicles entering or exiting the highway from them. Also, the appellant states that there have been no recorded incidents relating to the use of existing vehicular accesses in the area. Even taking these factors into account, they do not negate my site-specific concerns regarding the proximity of the proposal to the Radnor End junction, and the crossing of the central vehicular carriageway, particularly in instances where motorists would not have optimum visibility.
10. Concerns have been raised with regard to the principle of the creation of an access at the appeal property onto this particular road. Nevertheless, I have not been provided with any compelling evidence or policy basis as to why, in principle, this would result in harm. Even if the creation of an additional access would not in itself result in harm, for the reasons given above, the specific nature of this proposed access would be detrimental to highway safety.
11. The proposal would therefore conflict with Policy 17 of Buckinghamshire County Council's Buckinghamshire's Local Transport Plan 4: March 2016 – 2036 which seeks to ensure that new developments provide safe and suitable access.
12. I conclude that the proposal would result in unacceptable harm to highway safety. While the Council has not identified conflict with a policy in the local development plan and I have not been provided with a relevant local plan policy, the proposal would clearly conflict with the aims of the National Planning Policy Framework (the Framework). In particular, it would conflict with Paragraph 116 which seeks to resist development that would have an unacceptable impact on highway safety.

Other Matters

13. I have been informed that the parking area is required for an occupant of the appeal dwelling who has mobility difficulties, and I have been provided with a

doctor's letter supporting the need for a more easily accessible parking space for them.

14. This occupant could have a protected characteristic as set out in Section 149, of the Public Sector Equality Duty (PSED), contained in the Equality Act 2010. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. However, based on the evidence before me, I am unconvinced that this occupant has protected characteristics, and I therefore find that the duty is not engaged in this case.
15. Nonetheless, the proposal would allow for convenient and accessible parking at the front of the property, which would meet the personal needs of the occupant. However, the property already benefits from a paved area to the rear which provides a wide parking space for vehicles, and there is no detailed explanation before me to demonstrate that this would not provide a similar function. From the submitted evidence before me, I do not consider that the need for additional parking to the front of the property would outweigh the harm identified to highway safety.

Conclusion and Recommendation

16. The proposal would not accord with the Framework and the County Council's Local Transport Plan, despite finding no conflict with the development plan. These are important material considerations that indicate that the proposal would be unacceptable. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

B Plenty

INSPECTOR