



Appeal Decision

Site visit made on 31 July 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/K0425/D/25/3368105

33 Tower Street, High Wycombe, Buckinghamshire, HP13 5AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Shaheen Akhtar against the decision of Buckinghamshire Council.
 - The application reference is 25/05592/FUL.
 - The development proposed is householder application for front hardstanding and dropped kerb (retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for front hardstanding and dropped kerb at 33 Tower Street, High Wycombe, Buckinghamshire, HP13 5AY in accordance with application ref: 25/05592/FUL and the plans submitted with it subject to the following conditions:

- 1) The development hereby permitted shall be maintained in accordance with the following approved plans: location plan (planning portal reference PP-13834748v1 (produced 12 March 2025) and (unreferenced) site plan;
- 2) Unless within two months of the date of this decision a scheme for the appropriate drainage of the tarmac hardstanding within the site is submitted in writing to the Local Planning Authority, and unless the approved scheme is implemented within three months of the Local Planning Authority's approval, the hardstanding shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within six months of the date of this decision, the hardstanding shall be removed until such time as a scheme approved by the Local Planning Authority is implemented.

Upon implementation of the approved drainage scheme specified in this condition, that drainage scheme shall thereafter be retained in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined;

- 3) Within two months of the dates of this decision, either two bird boxes, or bat boxes, or a combination of the two, shall be installed within the site curtilage/existing dwelling in a position suitable for its intended purpose. If no scheme in accordance with this condition is implemented within two months of the date of this decision, the hardstanding shall be removed until such time as a

scheme is implemented. Upon installation of the ecological mitigation specified in this condition, the two bat/bird boxes shall thereafter be retained in use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon i) highway safety and on street parking and ii) surface water drainage and flood risk.

Reasons

Highway Safety and on street parking

4. The appeal site is the left-hand end of row of four terraced houses located in a residential area. The proposal seeks retrospective planning permission for the construction of front hardstanding and a dropped kerb to allow access to the driveway to the front of the host dwelling. No issue is raised with regard to the provision of a dropped kerb within the submissions before me and I have no reason to conclude differently on that element. The first refusal reason is specific in its concern as to vehicles overhanging the adjacent footway which is stated to be to the detriment to highway safety. This is then followed on with the assertion that, by dropping the kerb, there would be an unjustified loss of on street parking.
5. Tower Street is an unclassified, residential street road subject to a speed limit of 30 miles an hour. The carriageway benefits from pedestrian footways and street lighting in the vicinity of the appeal site and no parking or waiting restrictions are present along Tower Street itself. At the time of my site visit, and as evidenced within the documentation before me, the pavement outside the appeal site is, even taking into account the works that have been undertaken, very wide allowing free flowing and unobstructed pedestrian movement even with, for example, roadside vehicles having been parked partly on the pavement in question.
6. The Buckinghamshire Countywide Parking Guidance 2015 (the Parking Guidance) is noted to recommend that an individual parking bay should measure 2.8 metres by 5 metres. Both parties are in agreement that the hardstanding, as built, has a depth of 5 metres measured from the front wall and up to the white line currently demarcating the end of the driveway area that has been tarmacked. The proposal, as built, does therefore appropriately accommodate vehicles in accordance with the Parking Guidance. Despite this, the Highways Authority objection is on the grounds that the appeal site is not able to provide adequate space (within the site – shown on the land registry) for parking and manoeuvring of vehicles clear of the highway and that the proposal is likely to lead to vehicles overhanging the adjacent footway to the detriment of highway safety.
7. I note, from the documentation before me and the evidence provided that in terms of ownership, as demonstrated by the land registry plans and measurements taken

(set out within the Council's report and undisputed by the appellant), the appeal site does fall short of the required 5 metres in terms of land within the appellant's actual ownership. Despite this I note, that as part of the application form, the appellant has correctly served notice on the Buckinghamshire Council as the landowner due to the proposals affecting land beyond their ownership. The Council, nor the highway authority, have raised any issue with use of the driveway as constructed in terms of land ownership or other matters. The refusal reason before me is solely directed to the potential for vehicles to overhang the adjacent footway and the impact of that on highway safety.

8. It can be seen, from the evidence before me, that the construction of the driveway has removed what was previously an area of grass verge and I find that this was, ultimately, not an area which would be/have been physically utilised by pedestrians when considering and taking into account the remaining usable/surfaced pavement area. The incorporation/loss of the green verge (in the region of 0.55 metres towards the front eastern corner of the site) does encroach into the footway, however, I do not find that this encroachment would lead to vehicles overhanging the adjacent footway in a manner which would be to the detriment of highway safety or pedestrians utilising the notably wide pavement that would remain in the event this appeal is allowed. Sufficient footway would comfortably be retained in terms of the adjacent footway.
9. Provision of the dropped kerb would result in a loss of a public, on-road, parking space but in this case as a result of my finding that the proposal would be acceptable with regard to on-site parking provision there would be a gain of off-street parking spaces that could be used which I find would outweigh any perceived deficit of on street parking spaces. Furthermore, at the time of my site visit, albeit I appreciate it is only a snapshot in time, I did not find parking within the vicinity of the appeal site to be difficult, nor do I have any evidence to suggest that there are parking pressures above that to generally be expected in a residential area or constraints which would be exacerbated by the loss of an on-street parking space as a result of the proposal.
10. The proposal would be consistent with Wycombe District Local Plan 2019 (LP) Policy DM33 which requires development to provide for parking sufficient to meet the needs of future occupants and provide safe and convenient access to the local highway. The proposal would also be consistent with Buckinghamshire Council Local Transport Plan for 2016, policy 17, which seeks to support road safety and ensure developments provide safe and suitable access. The proposal would also be consistent with the Parking Guidance, as outlined above, and the Buckinghamshire Council Highways Development Management Guidance Document 2018 which, as an overarching objective, seeks to ensure that developments can demonstrate that they include parking provision according to the Buckinghamshire Countrywide Parking Guidance to help make sure developments provide the right level of parking. The National Planning Policy Framework 2024 is clear that proposals should only be refused where there would be an unacceptable impact on highway safety – which I do not find to be the case with this proposal.

Surface Water Drainage and Flood Risk

11. The appeal site itself is not susceptible to flooding, however, as evidenced by the Council, Tower Street falls within an area of surface water flooding where the risk associated with such flooding is classified as medium which is combined with the

fact that Tower Street is stated to fall within a Wycombe Critical Drainage Area where there is likely flood risk from local sources (ground or service water flooding and/or ordinary water courses), and where sustainable drainage systems should be a priority. The appellant does not challenge these facts.

12. The main issue in the context of the second refusal reason is that the proposal has been undertaken with tarmac hardstanding, which is not made of porous materials and based upon the evidence before me, there appears to be no provision for draining of surface water from the installed hardstanding within the site. The proposal has resulted in the loss of a front garden/permeable garden area due to it previously having been lawned based upon historical imagery provided by the council. I find that it is reasonable, therefore, to consider that the proposal results in potential to increase surface water run-off in an area which, as outlined, where drainage should be considered as part of proposals of this nature.
13. Based upon the proposal, as submitted, it has not been demonstrated that surface water would be adequately managed to prevent an increased risk of surface water flooding on the site, main road and within the vicinity of the appeal site itself. I note that both the Council, and the appellant, have discussed the imposition of conditions in the event the appeal is allowed to secure details as to drainage required as a result of these issues. Whilst the application is retrospective, I consider that such details can reasonably be secured by condition, however, the condition will be required to be drafted to ensure a grant of planning permission is subject to the appellant complying with a series of requirements – or the works cannot be retained.
14. Subject to condition I find that the proposal would be consistent with LP policy DM39 which requires that all development will be required to reduce the causes and impacts of flooding both on and off site as well as being consistent with paragraph 181 of the National Planning Policy Framework 2024 which requires that local planning authorities should ensure that flood risk is not increased elsewhere when determining planning applications. Paragraph 182, of the Framework, goes on to outline that applications which could affect drainage on or around the site should incorporate sustainable drainage systems.

Conditions

15. The Council have suggested, within their questionnaire, conditions in the event the appeal is allowed which I have considered and applied as appropriate. Whilst the application is retrospective, I have imposed a condition requiring the development to be maintained as per the submitted plans in order to define and control the consent which is granted.
16. A condition requiring submission and approval of details of sustainable drainage provision is required in order to prevent any increase to flood risk as a result of the site's location as outlined within the main body of this decision letter. A condition relating to ecological mitigation is required due to the loss of the garden area, however, I have amended the timing trigger on the condition as suggested by the Council due to the fact that the development has already been brought into use – the condition has been amended to require installation of the bat/bird boxes as appropriate within two months of the date of this decision.
17. The purpose of the conditions relating to sustainable drainage and ecological mitigation is to require the appellant to comply with a strict timetable for dealing with

drainage and mitigation matters which needs to be addressed in order to make the development acceptable. The conditions are drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of planning permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the conditions is therefore to ensure that the use of the site/development authorised by the grant of planning permission may only continue or be retained if the appellant complies with each one of a series of requirements.

Conclusion

18. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR