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## Appeal Decisions

Site visit made on 22 February 2019

**by Rebecca McAndrew BA Hons, MSc, PG Dip Urban Design, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> July 2019

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### **Appeal Ref: APP/X0415/W/18/3203607**

#### **1 Oakington Avenue, Little Chalfont, HP6 6SY**

- 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 Mr and Mrs Lowry against the decision of Chiltern District Council.
  - The application Ref CH/2017/2197/FA, dated 27 November 2017, was refused by notice dated 9 March 2018.
  - The development proposed is the erection of a Passive Eco House on Land to rear of 1 Oakington Avenue and new vehicular crossover.
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### **Appeal Ref: APP/X0415/W/18/3212479**

#### **1 Oakington Avenue, Little Chalfont, HP6 6SY**

- 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 Mr and Mrs Lowry against the decision of Chiltern District Council.
  - The application Ref PL/18/2186/FA dated 7 June 2018, was refused by notice dated 1 August 2018.
  - The development proposed is the erection of a Passive Eco House on Land to rear of 1 Oakington Avenue and new vehicular crossover.
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### **Decisions**

Appeal A: APP/X0415/W/18/3203607

1. The appeal is dismissed.

Appeal B: APP/X0415/W/18/3212479

2. The appeal is dismissed.

### **Procedural Matters**

3. As set out above, there are two appeals on this site which include two different forms of vehicular access. Whilst I have considered each proposal on its own merits, in order to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

### **Main Issue**

4. The main issue for both appeals is highway safety and in particular whether the proposed vehicle access arrangements would be acceptable.

## Reasons

5. The proposals would involve forming a new access into the appeal site off the A404, a Strategic Inter-Urban Route. The original scheme which proposed a single access directly off Amersham Road into the appeal site (Appeal A). The subsequent proposal seeks to overcome the Council's concerns through the provision of a slip road arrangement which would ensure that future occupants would not pull directly out of the site onto the highway (Appeal B).
6. The Chiltern District Local Plan 'Saved' Policy TR2 (1997) states 'In general, access will not be permitted onto the primary road network, or routes designated as *routes of more than local importance*' and also requires that new developments should retain existing road safety standards as a minimum. Paragraph 109 of the National Planning Policy Framework (2019) (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
7. On my site visit I noted that the A404 is a busy highway which experiences a continuous flow of traffic. Indeed, the Council indicates that 1,400 – 1,600 vehicles pass along this route each day. The construction of the access schemes proposed under both Appeals A and B would inevitably interfere with this traffic flow. It is acknowledged that the slip road arrangement proposed by Appeal B would negate the provision of an access from the appeal site directly onto the highway. Nonetheless, in both cases, vehicles would slow down to turn when entering the site from the west and vehicles would be stationary in the highway whilst waiting for a break in the traffic when accessing the proposed development from the east. This would cause conflict with vehicles on the A404 and would be exacerbated by the proximity of the proposed accesses to the pedestrian crossing and the junction on the opposite side of the carriageway, which serves the London Underground carpark and station and a residential area.
8. Whilst the proposed dwelling is only likely to generate 5 trips per day, the introduction of the additional vehicle movements into the highway would increase highway risks in this vicinity, with the proposed access arrangements under either Appeal A or B. Also, whilst it is acknowledged that vehicles currently stop for pedestrians to use the nearby zebra crossing, this has the associated benefit of allowing pedestrian to safely cross this busy road, even with the associated interruption of vehicle flow. By comparison, there would not be any such benefits from forming either of the proposed accesses under Appeal A or B and hence there would be little justification for interrupting vehicle flow in the interest of a private access.
9. I accept that adequate visibility for both access arrangements when exiting the site could be achieved and that the nearby speed camera means that drivers are more likely to adhere to the 30mph speed limit along this part of the road. The Council's reason for refusal of both Appeals A and B also refers to the proximity to the speed camera. Given that this feature is unlikely to affect traffic flow or vehicular movements and in the absence of any guidance for minimum distances between private accesses and speed cameras, I offer limited weight to the Council's concerns in this respect. However, these matters do not outweigh my highway safety concerns.
10. I conclude that both Appeals A and B include proposals which would introduce conflicting traffic movements into this locality due to the proposed access

arrangements and would therefore both cause harm to highway safety. This would conflict with Local Plan 'Saved' Policy TR2, Policy CS25 of the Core Strategy for Chiltern District (2011) and NPPF Paragraphs 109 and 110 which relate to highway safety matters.

### **Other Matters**

11. It is accepted that the site is located in a sustainable location and, as a consequence, the associated level of vehicle movements would be likely to be lower than would be normally expected of a single dwelling. However, this does not outweigh my concerns that the introduction of even a low level of vehicle movements onto the highway in this location would adversely impact highway safety.
12. I have considered an existing slip road arrangement opposite the site cited by the appellant's agent. However, this differs from the slip road arrangement proposed by Appeal B as it serves a number of properties, rather than a single private dwelling and is a historic facility. That aside, each proposal must be considered on its own merits. As such, I accept that adequate visibility for both access arrangements when exiting the site could be achieved and that the nearby speed camera means that drivers are more likely to adhere to the 30mph speed limit along this part of the road. The Council's reason for refusal of both Appeals A and B also refers to the proximity to the speed camera. Given that this feature is unlikely to affect traffic flow or vehicular movements and in the absence of any guidance for minimum distances between private accesses and speed cameras, I offer limited weight to the Council's concerns in this respect. However, these matters do not outweigh my highway safety concerns. I have found the appeal proposals would result in significant harm to highway safety as I have previously set out.
13. It is noted that the revised access arrangement proposed by Appeal B was submitted as a result of discussions with the Council following the refusal of the initial scheme (Appeal A). I also acknowledge that the County Council's opinion of the access proposed by Appeal B changed during the course of the planning application. However, this does not alter my view that both schemes would harm highway safety. I therefore attach little weight to these considerations in support of allowing the appeal.

### **Conclusion**

14. For the reasons above, in both appeals I have found harm to highway safety and both proposals conflict with the development plan as a whole. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that both appeals should be dismissed.

*Rebecca McAndrew*

INSPECTOR