
Appeal Decision

Site visit made on 15 November 2016

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 November 2016

Appeal Ref: APP/Y1945/D/16/3157978

469 Whippendell Road, Watford, Hertfordshire WD18 7PS

- 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 Mohammed Kamal against the decision of Watford Borough Council.
 - The application Ref 16/00753/FULH, dated 27 May 2016, was refused by notice dated 15 July 2016.
 - The development proposed is formation of a dropped kerb to create vehicular access to front of property to facilitate off road parking and charging of an electric car.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Mohammed Kamal against Watford Borough Council, which is the subject of a separate Decision.

Main Issues

3. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

Highway Safety

4. The appeal property is one of a row of terraced houses in Whippendell Road, with a front garden of approximately 3 metres in depth. The proposal would create a vehicular access and hard standing in the front garden to park an electric car. It is acknowledged by the appellant that the proposed parking bay would be of insufficient depth to comply with the standard minimum parking bay length of 4.2 metres (m) recommended in the Manual for Streets (2007). It would also fail to comply with the minimum standard of 4.8m recommended by the highway authority.
5. The appellant has indicated that the bay would be limited to parking of an electric car or equivalent vehicle not greater in length than 2.7m and that this could be controlled by condition. I have been referred to condition 3 attached to the planning permission granted on appeal for the dropped kerb and hard standing at 467 Whippendell Road (Ref: APP/Y1945/D/14/2219647). I acknowledge that such a condition could be enforced, by the local planning

authority serving a breach of condition notice on the property owner if a car of more than 2.7m metres in length were parked on the access.

6. However, the length of time allowed by the legislation for a property owner to comply with a breach of condition notice would mean that a car in excess of 2.7m could be parked on the driveway for periods of up to 28 days at a time without the local planning authority being able to enforce its removal. Most cars are in excess of 3m in length, typically more than 4m. Whilst it may not be the intention of the appellant to park a larger vehicle on the hard standing, this could not be guaranteed for future occupiers of the property. Any vehicle in excess of 3m in length would overhang the pavement, causing an obstruction to the highway and a danger to passing pedestrians, particularly for blind or partially-sighted people.
7. On this basis, I conclude that the proposed development would cause unacceptable harm to highway safety. Accordingly, it would conflict with saved Policy T21 of the Watford District Plan (2003) (the District Plan), which requires all development proposals to make adequate provision for access and egress to meet the necessary safety standards. It would also fail to comply with paragraph 35 of the National Planning Policy Framework (the Framework), which expects development to be designed to create safe and secure layouts that minimise conflicts between traffic and cyclists or pedestrians.

Other Matters

8. I have considered the Council's concerns about the effect of the proposal in removing communal on-street parking spaces for other residents on Whippendell Road. But given the amount of on-street parking available along the street, the loss of one communal on-street space would not result in a significant or harmful reduction in residential amenity.
9. Finally, I recognise the desire of appellant to have an off-road parking space to charge an electric vehicle and that paragraph 35 of the Framework encourages development to provide facilities for electric and low emission vehicles. However, neither of these considerations would outweigh the harm a sub-standard parking bay would cause to highway safety.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR