
Appeal Decision

Site visit made on 17 January 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 06 February 2017

Appeal Ref: APP/A1910/D/16/3164611

75 Watford Road, Kings Langley, Hertfordshire, WD4 8DY

- 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 Paul Young against the decision of Dacorum Borough Council.
 - The application Ref 4/01355/16/FHA, dated 13 March 2016, was refused by notice dated 1 November 2016.
 - The development proposed is a drop kerb and crossover to gain access to the front of the property
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect on highway safety and the free flow of traffic.

Reasons

4. The drop kerb would be created at the front of No 75 and would give access to the property from the A4251 Watford Road, a designated Principal Road A Main Distributor. The A4251 is a two way single carriageway road with a 30mph speed limit which is part time night lit according to the Council.
 5. No 75 is only the second dwelling back from the roundabout junction between the Watford Road and Home Park Mill Link. Its neighbouring residential property at No 77 is closer to the roundabout and a dwelling has recently been erected in No 77's garden. Neither of these properties has direct access to Watford Road.
 6. According to the Council there is an average annual weekday traffic of approximately 17000 vehicles using Watford Road which is greater than the 10000 referred to in Manual for Streets paragraph 7.9.5 where direct access should be restricted. The Local Transport Plan identifies existing or new developments should not be allowed to have direct access except where special circumstances can be demonstrated and such limitations will be rigorously applied. The access would also be positioned closer than the allowable distance of 66m for adjacent junctions for a secondary distributor road set out in Roads in Hertfordshire Guidance Table 4.1.1.1.
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7. The Council has acknowledged that there are many accesses direct to the Watford Road, but none are so close to the roundabout as would be at No 75. During the last 5 years according to the Council there has been one slight personal injury accident opposite No 71. There was another slight injury accident in 2009 at the Home Park Mill Link junction.
8. The property is a detached dwelling which has a limited width front garden. Because of the size of the dwelling it would be likely that multiple vehicles would be parked on the forecourt. It has been demonstrated by the appellant that three vehicle parking spaces could be provided with unobstructed access at the front of the dwelling.
9. Nonetheless, it has not been demonstrated that exiting in a forward gear from the site would be an easy activity even if the parking was conducted in an orderly fashion. If the spaces were accessed in a forward gear then it would take a minimum of 5 turns to exit two of the spaces and 7 turns from the central space. Even if the three vehicles carried out a three point turn to back into the spaces, this would rely on orderly parking and persistent driver behaviour that I consider unlikely to be achieved.
10. I consider that the development would be likely to lead to motor vehicles backing out onto Watford Road because of the difficulties of manoeuvring on site to exit in a forward gear. In circumstances where the access is close to the roundabout and visibility to the south is less than the 43m required by Manual for Streets for a 30mph speed limit area, in a heavily trafficked area on a main road this would be harmful to highway safety and the free flow of traffic, in proximity to where there has been a recent accident.
11. There is no parking at the rear of the property as the garage entrance off a private drive has been bricked up. According to the appellant the space inside was too small to accommodate a modern vehicle. That is a matter in the hands of the appellant and it is not for me to consider the merits of alternative parking provision. Whilst I acknowledge that there may be difficulties in using the private drive with a need to back out onto Station Footpath, there is no provision at present and therefore the property effectively has no parking.
12. I conclude that the development would be harmful to highway safety and the free flow of traffic and would be contrary to policies CS8, CS9, and CS12 of Dacorum Core Strategy, and saved policies 51 and 54 of the Dacorum Borough Local Plan which all promote road safety, and would not comply with the National Planning Policy Framework which seeks to create safe and secure layouts.

Conclusions

13. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector