The Planning Inspectorate

Appeal Decision

Site visit made on 7 February 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 24th February 2017

Appeal Ref: APP/N1920/D/16/3167271
44 Highfield Road, Bushy, Hertfordshire WD23 2HD

- 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 Toby Mason against the decision of Hertsmere Borough Council.
- The application Ref 15/1388/HSE, dated 4 August 2015, was refused by notice dated 26 December 2016.
- The development proposed is new vehicular access and hardstanding area with retaining wall.

Decision

1. The appeal is allowed and planning permission is granted for new vehicular access and hardstanding area with retaining wall at 44 Highfield Road, Bushy, Hertfordshire WD23 2HD in accordance with the terms of the application Ref15/1388/HSE , dated 4 August 2015, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: RP/TMB/lp/2 (location plan), EC/MB/ed/1 and, EC/MB/1.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) Prior to the first use of the development herby approved details of the stopping-up of the existing access on Highfield Road shall be submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details and retained as such thereafter.

Main Issue

2. This is the effect of the proposed development on the safety of highway users in the vicinity of the site.

Reasons

3. The appeal site is located in a dense and close-grained enclave of residential development generally dating from the later C19 and earlier C20. The appeal property itself is located on the junction of Highfield Road and Hillside Road.

4. The proposal is for the creation of a new vehicular hard standing area in the former enclosed garden space fronting Hillside Road. This necessitates dropping the kerb here, the creation of an open access, the reconfiguring of the remaining boundary wall and the hard surfacing of the parking area with elements of planting retained on the boundaries of the site.

5. It is the case that the proposed access is within 5 meters of the Hillside and Highfield Roads junction, approximately half that anticipated as acceptable by the Highway Authority. The configuration of the junction is quite tight here and the radii are kept free of on-street parking by double yellow lines. Beyond these there is a good deal of on-street parking and open forecourt parking areas within the street.

6. I readily accept the point made by the highway officer that a second access to a dwelling in this location would increase traffic movements off both roads associated with the development and that this would increase the risks to highway users. This is a view supported by other parties, who suggest the junction has been the site of previous highway accidents.

7. However, the road speeds here (as I observed during my site visit) are low and the frequency of vehicle movements commensurately so. Moreover, whist I note the reference to accidents occurring, these are not backed by and official record or other evidence to suggest circumstances are indeed so hazardous. Most significantly though, the appellant has offered to accept a condition stopping-up the existing access off Highfield Road.

8. Whilst this existing access is a greater distance from the junction, it nevertheless still serves to contribute to vehicular activity using it. Although the proposed access would be closer to the junction, the closure of the existing access would have the effect of neutralising any increased activity that might otherwise have resulted. I also consider this stopping-up could reasonably be achieved through a condition requiring such, subject to its approval by the local planning authority. Moreover, given the low traffic speeds and flows, and the relatively good local visibility at the junction, I do not consider there would be any material increase in the risk to the safety of highway users, car-borne or otherwise, as a result of the development.

9. For these reasons therefore there would be no material conflict with policies CS22, CS25 of the Hertsmere Local Plan Core Strategy (2013) and SADM41(Highway and Access Criteria for New Development) (SADM 2015), all of which seek an appropriate standard of design, including detailed highway related design matters in the interests of highway safety. For the same reasons they would accord with the expectations of paragraph 32 of the National Planning Policy Framework, which anticipates development proposals being refused on transport grounds, only where the residual cumulative effects would be severe.

Conditions

10. The appeal being allowed I attach a condition requiring compliance with the approved plans, to ensure certainty. I also attach a condition requiring materials match those of the existing to safeguard the character and appearance of the area. Finally I attach the aforementioned condition requiring that details of the stopping-up of the existing access be submitted to and approved in writing by the local planning authority prior to the first use of development, to assure the safety of all highway users.

11. For the reasons given above I conclude that the appeal should be allowed.

David Morgan

Inspector