
Appeal Decision

Site visit made on 15 May 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 12 June 2017

Appeal Ref: APP/C1950/W/17/3166694

Land adjacent to 26 Starling Lane, Cuffley, Potters Bar EN6 4JX

- 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 Colin Holmes against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2016/0669/FULL, dated 8 April 2016, was refused by notice dated 13 October 2016.
 - The development proposed is the redevelopment of site to provide a new house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - The effect of the proposed access arrangement on the safety of pedestrian traffic on Starling Way.
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site lies on the eastern side of Cuffley and consists of part of the rear garden of No 66 Tolmers Road. From the plans provided this garden has a reverse 'L' shape, with the far end of the garden located behind No 68 Tolmers Road. The proposal seeks to utilise this area to construct a new property. Bordering the east side of the plot is a metalled track, which links the road of Starling Lane to the north with Oak Lane to the south; this is referred to by the Council as Starling Way. The proposal seeks to construct a drive to serve the new dwelling in the far north east corner of the plot onto this Way. Traffic generated from the proposal would turn to the left towards Starling Lane.
 4. Towards its southern end Starling Lane is fairly straight; Starling Way visually carries on the road in a straight line but is clearly far narrower than Starling Lane itself. The Way then bends towards the west, where there are two circular concrete bollards set in it to stop motorised traffic. Due to the curvature of the Way, from views close to the top of Starling Lane only the eastern bollard is visible, with the western one coming into view when advancing along the Way.
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5. The access point would be set immediately before the bollards, and would involve the removal of part of the existing reasonably high boundary wall to No 66. A fairly new pedestrian gate has been installed in this wall. Various anecdotal evidence states that the Way is currently well used by pedestrians. This conforms to what I witnessed during my visit where several walkers used the path. Starling Way provides a fairly attractive cut through for the residents of Starling Lane and the upper reaches of Thrush Lane towards the town centre and station to the south.
6. The boundary wall to No 66 is bordered on its northern side by a close boarded fence of similar height, which encloses the rear garden of No 26 Starling Lane. This fence is set into a concrete post in the corner. Drivers leaving the proposed property would need to turn to the left. The concrete post and adjacent fence would restrict visibility in this direction, meaning that drivers would need to inch out slowly to see if there were any pedestrians approaching from the north; walkers who were walking along the west side of the path close to the fence for No 26 would be in a blind spot for drivers leaving the proposal and would not be visible until a large part of the car was already in Starling Way. This situation would be exacerbated by the bend in the Way just before the proposed drive.
7. The appellant has submitted a plan to demonstrate the visibility available to drivers leaving the site, showing 600mm by 600mm visibility splays. However, this appears to confirm that a large area of the path to the north would not be visible to drivers at the point of exit to the site; this is confirmed by a note on the submitted plans stating that a mirror could be installed on the southern section of the lowered wall to 'ensure that driver can see down road'. Moreover the plan submitted appears to show a left hand drive vehicle instead of a right handed one. A photograph submitted showing the Way to the north is also taken from the rear of the bollards on the opposite side of the Way, and does not show the view that would be available to drivers exiting the appeal site.
8. Whilst I note that the County Highways Officer had no objection to the proposal and that due to the scale of the proposal significant numbers of vehicular trips would not be generated, in my view due to the restricted nature of the access and the difficulties with visibility due to the adjacent fence, post, and the curvature of the Way, the proposal would lead to potential conflict with pedestrians not expecting vehicle movements on the well-used pathway. I do not consider that a mirror would be an appropriate permanent manner of safely providing feasibility.
9. I therefore conclude that the proposed access arrangement would have a significant adverse effect on the safety of pedestrian traffic on Starling Way. The scheme would be contrary to Policy M5 of the Local Plan¹ which states that development which would prejudice convenient and safe pedestrian movement will be refused.

Character and appearance

10. Both Starling Lane and Oak Lane are residential streets which are characterised by fairly large properties set in reasonably sized plots. Houses are generally set back within their land, allowing front gardens or parking areas in front of the houses.

¹ Welwyn Hatfield District Plan 2005

11. Due to the size and width of the plot, the proposed property would be angled towards the north east, with its gable end being the front of the house. The longer side elevation to the east side would run close to the boundary of the adjacent Way, with only a fairly narrow gap between the property and boundary wall. This would be out of character with the prevailing nature of the surrounding area and would result in a design which would appear cramped within the plot. This would appear particularly dominant in views from the south along the Way, where the south west facing gable end and prominent dormer towards the west would appear out of place within the locality.
12. A plan has been submitted which shows that the plot size of the proposal is similar to a property in Oak Lane and larger than some in Tolmers Road. However, such properties have a similar layout to those in the immediate surrounding area, with their houses set back within the plot in common with surrounding building lines. I also note that the height of the proposal would be in general conformity with surrounding properties; however whilst this may well be the case the layout and siting of the proposal would not.
13. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the surrounding area. The proposal would be contrary to policies D1 and D2 of the Local Plan, which together state that the standard of design in all new development should be of a high quality and respect and relate to the character and context of the area in which it is proposed. The proposal in this respect would also be contrary to the National Planning Policy Framework, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

Conclusion

14. I note that the proposal was recommended for approval by the Council's planning officer, but was refused by the Planning Committee, and that pre application advice was sought and followed. I also note the experience of the appellant's agent. However, for the reasons given above I have no reason to disagree with the final decision of the Council. Whilst I acknowledge the limited benefits of a single house, I consider that such benefits would be significantly outweighed by the harm that the proposal would cause to matters of pedestrian safety. The harm that the proposal would cause to the character and appearance of the area adds weight to my overall decision.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR