
Appeal Decision

Site visit made on 12 November 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/J1915/W/19/3236240
58 Stortford Road, Standon SG11 1LZ

- 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 Mrs Gillian Ashcroft against the decision of East Hertfordshire District Council.
 - The application Ref: 3/19/0940/FUL, dated 2 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is the creation of parking area for two vehicles to the front property, to include a dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the development from 'I am seeking permission to create a parking area at the front of my property which is directly off of the A120 within a 30 mile per hour speed limit. The area will need a dropped kerb and the garden digging out in an L shape. This will allow parking for two cars with the L shape allowing the vehicles to turn safely' to the 'creation of parking area for two vehicles to the front property, to include a dropped kerb'. The revised description has also been used on the appeal form. I consider that the revised description represents a more succinct and precise description of the proposal and have therefore proceeded on this basis.

Main Issue

3. The main issue is the effect of the proposed dropped kerb upon highway safety.

Reasons

4. The appeal site contains a terraced dwelling. The terrace is set back from the highway with gardens to the front. These gardens are marked by a combination of wooden fences and hedges. To the front of the site is the A120. To one side of the site is the settlement of Standon, whilst open countryside is on the other. The speed limit on the A120 changes from 40 miles per hour to 30 miles per hour near to the site.
5. The proposed development would result in the creation of a new access onto the highway. This causes significant concerns as the gradient of the A120 is variable. In consequence, drivers of vehicles travelling up the hill would have limited opportunities to view a vehicle in the process of leaving the appeal site.

This situation is exacerbated by there being a corner on the other side of the appeal site, which would reduce opportunities for motorists driving into Standon to be able to view the proposed vehicular access. Whilst I acknowledge that the appeal site is within the 30 miles per hour zone of the A120, the limited visibility offsets any benefits from the lower speed that vehicles would be travelling at.

6. The submitted details indicate that the dropped kerb would be near to the side boundary of the site, which is shared with an adjoining dwelling. Owing to the existing boundary treatment at the appeal site, and at the neighbouring properties, views for motorists leaving the site would be limited. This situation is exacerbated by the presence of a nearby telegraph pole. In consequence, motorists would not have significant warning of advancing vehicles using the A120.
7. On account of this arrangement, it is doubtful that either motorists using the A120, or those leaving the appeal site would have enough advance warning of each other in order to manoeuvre safely, or to take appropriate avoiding action.
8. In reaching this view, I have had regard to the possibility of imposing a condition to secure the provision, and retention, of visibility splays. However, owing to the positioning of the dropped kerb (adjacent to a boundary), it is apparent that such splays would need to cross land outside of the control of the appellant. As such, I do not have certainty that such splays could be implemented and retained throughout the life of the development.
9. I have also had regard to the evidence submitted by the appellant regarding vision lines from the proposed dropped kerb. However, these lines have been calculated from a distance 1 metre back from the kerb edge. As a motorist leaving the site might be sat further back depending on the length of the car bonnet, I am therefore unpersuaded that these overcome my previous concerns.
10. I also acknowledge the efforts made by the appellant in designing a scheme that would enable a vehicle to leave the site in a forward gear. However, this does not overcome the identified harm to highway safety arising from a lack of visibility for both motorists using the A120 and leaving the appeal site.
11. The evidence before me is indicative that there have recently been few accidents on the A120. However, the representations made by the Local Highway Authority to the planning application indicate that the road is widely used. In consequence, a reduction in the level of highway safety would not be appropriate.
12. As a result, I conclude that the proposed dropped kerb would lead to an adverse impact upon highway safety. The development, in this regard, fails to accord with the requirements of Policy TRA2 of the East Herts District Plan (2018). This policy seeks to ensure that new safe and suitable access is achieved for all.

Other Matters

13. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use

need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.

14. Whilst it may be the case that currently there are few vehicle movements associated with the property, I note that the dropped kerb would be installed on a permanent basis and as such, vehicle movements may intensify over time, which would increase the level of harm.
15. I acknowledge that there may be a lack of car parking within the vicinity and that residential development is taking place nearby. However, it is incumbent upon me to assess the merits of the proposal before me in respect of its own impact upon highway safety. Given that I have identified harm, the benefits arising from an increase in off street car parking are outweighed.
16. I have noted that the design of the dropped kerb and driveway would include appropriate drainage, would not interfere with pedestrian crossings or traffic lights, would not impact upon pedestrian safety and would be some distance from the nearest junction. However, these are only some of all the matters that must be considered in assessing a proposal. I therefore do not find that these overcome my previous concerns.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR