



Appeal Decision

Site visit made on 10 March 2020

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/J1915/D/20/3245799

61 Cherry Tree Green, Hertford SG14 2HR

- 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 Mary Landsbury against the decision of East Herts Council.
 - The application Ref 3/19/2136/HH, dated 7 October 2019, was refused by notice dated 10 January 2020.
 - The development proposed is a dropped kerb and hard standing.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the appeal proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

3. The host dwelling lies on a sharp bend where Cherry Tree Green meets Thieves Lane. The site lies at the edge of a residential area of Hertford. As a result, the adjacent footway is likely to be subject to regular pedestrian use.
4. The proposed dropped kerb would enable the creation of a parking space adjacent to the property's front garden. Vehicular access to this would be over the footway.
5. The Council's Supplementary Planning Guidance document "Vehicle Parking Provision at New Development" (2019) ("the SPG") sets out the minimum acceptable distances between proposed accesses and road junctions. It states that the position of a proposed access must be at least 15 metres away from a road junction. The appellant does not contend that the proposal accords with this guidance, and I have no evidential basis to assume that this may be the case given the limited distances which I observed at my site visit.
6. The proposal's proximity to the bend in the road would result in the need for other road users to wait whilst a vehicle enters or leaves the parking, because visibility would be insufficient to allow for the use of the opposite side of the road in order to pass safely. This would result in inconvenience to users of the highway network.
7. The proximity to the bend in the road additionally reduces the visibility of those using the footway to a driver entering or leaving the proposed parking space, due to the intervening presence of the corner of the host dwelling. The limited

evidence before me does not demonstrate whether there would be sufficient available visibility for a driver accessing the proposed parking to adequately respond to the presence of some types of pedestrians, for example, a running child, who would also be less visible than an adult pedestrian due to their lower height.

8. The proposal consequently does not provide sufficient assurance that the addition of an access which would be in regular use would result in an acceptable effect on the safe and efficient operation of the highway network in the vicinity of the appeal site.
9. I acknowledge that the proposed removal of a section of hedge which encloses the front garden would be likely to bring about a limited increase in the visibility available to road users when turning into the drive of a property opposite. Nevertheless, the removal of hedging would not alter the proximity of the proposed driveway to the corner of the host dwelling, which gives rise to my main concerns with regard to visibility.
10. I note the presence of other dropped kerbs which serve residential drives in the area. However, I have seen nothing to suggest that these schemes have a comparable effect on highway matters to the appeal proposal. Accordingly, they do not set a precedent for the current proposal. I therefore attach minimal weight to these schemes and they do not alter my conclusion as to the unacceptability of the current appeal.
11. There is minimal evidence before me which may suggest that the current levels of on-street parking in the vicinity have an adverse effect on highway safety, such that I do not consider that the removal of one car from these numbers would represent a particular benefit of the proposal.
12. Whilst I have given the appellant's personal circumstances careful consideration, I am unconvinced that the benefits in this regard would outweigh the overall degree of harm. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan.
13. The proposal would have a moderately harmful effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Thus, it conflicts with Policies DES4 and TRA3 of the East Herts District Plan (2018), which set out that all development proposals must be of a high standard of design and should take into account the provisions of the SPG. Additional conflict exists with the SPG, as set out above.

Conclusion

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

C Beeby

INSPECTOR