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# Appeal Decision

Site Visit made on 3 August 2021

**by K Savage BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 August 2021**

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**Appeal Ref: APP/B1930/D/21/3272011**

**75 Batchwood Drive, St Albans AL3 5UF**

- 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 Mark Price against the decision of St Albans City Council.
  - The application Ref 5/2020/2490, dated 23 February 2018, was refused by notice dated 12 March 2021.
  - The development proposed is a cross-over featuring a dropped kerb to enable access to a hard-standing in the front garden of the property.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance of this revision to the Framework to their respective cases.

## Main Issue

3. The main issue is the effect on highway safety.

## Reasons

4. The proposal seeks to create a vehicular access to the appeal property, along with a raised hard surfaced parking area within the front garden. The access would cross from the site to the carriageway over the footway and the tapered section at one end of a parking layby which extends from No 63 to the appeal property at No 75. These laybys are a common feature along Batchwood Drive.
5. I saw Batchwood Drive to be a busy road with a constant flow of traffic in both directions. The road follows a very slight curve, but it provides good forward visibility for drivers and some traffic appeared to pass the site at speeds in excess of the 30mph limit. I also saw the parking bays to be well-used, even during my visit in the mid-afternoon. As a result, I saw the visibility to the north-east at the point of the proposed access to be severely curtailed by parked cars within the layby. Similarly, visibility to the south-west is impeded by the presence of a large street tree and foliage, meaning motorists leaving the appeal site would have only a glimpsed view to the left of the tree to see oncoming traffic, with the final few metres before the access unsighted by foliage.

6. Consequently, there would be impediments to visibility in both directions. Therefore, the position of the access would pose significant risks to highway safety both in terms of drivers emerging from the appeal site without being fully aware of oncoming traffic, and them being unseen by drivers travelling at speed on Batchwood Drive until the last moment.
7. Moreover, the submitted plans show a single width entrance to the parking area, which would make it difficult for a vehicle to turn within the site, so as to be able to leave in a forward gear. This would certainly be the case if more than one vehicle was to be parked on site. Given this constraint, there is a strong likelihood that residents would have to either stop in traffic to reverse into the site, or reverse largely unsighted onto a busy road. Both scenarios would exacerbate the risk to highway safety.
8. The appellant points to a number of other accesses along Batchwood Drive, which I viewed at my visit. Several, such as those at Nos 55, 57 and 61 are not located within laybys and visibility is not affected to the same degree by parked cars. Others, such as at Nos 121-125 and 143-147 have accesses grouped together, creating a more open arrangement at the roadside, with consequent differences in visibility. The access next door at No 77 extends down the side of the property to the rear. It appears longstanding and allows vehicles to turn within the site, but has similar visibility constraints to the proposed access. That at No 63, at the opposite end of the layby, has similar constraints in terms of forward access/egress and visibility.
9. I am aware that the Council has granted permission for some of these accesses, though I am provided only with excerpts from the Local Highway Authority's comments in selected cases. The presence of these other accesses is a material consideration to which I must have regard. However, the safety of an access is necessarily a site-specific matter, given that visibility and physical layout will differ to some extent in each case, even for nearby properties. Moreover, I found the examples put to me to themselves be constrained in some respects, whether that be visibility or forward access. Therefore, I do not regard these other examples as setting a precedent to be followed and I have considered this appeal on its own planning merits.
10. The appellant argues that the existing layby presents risks in terms of getting children into and out of the car, or accidentally opening the door on a passing cyclist. I also note a letter of support from an adjacent neighbour who expresses a desire to create a similar access to her property. This letter alludes to crashes on Batchwood Drive; to near misses where vehicles have attempted to go around a stationary bus; and to general ignorance of the speed limit by motorists. I do not have evidence to verify these claims, but if anything they weigh against the proposal as they indicate that there are existing highway safety issues around the appeal site. Whilst the proposal would allow for a vehicle to be parked away from the highway and passing traffic, this would not outweigh the risk to highway safety of adding an access in an unsuitable position within a highway environment already raising safety concerns.
11. For these reasons, I conclude that the proposal would pose an unacceptable risk to highway safety. This would conflict with Policy 34 of the St Albans District Local Plan 1994, which states that development which involves the creation of an access onto the public highway will not normally be permitted

unless acceptable in terms of road safety, including having adequate visibility and turning radii.

12. There would also be conflict with the Framework which sets out that developments should ensure safe and suitable access to the site can be achieved for all users, and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### **Other Matters**

13. The Council did not oppose the proposal in terms of its effect on the character and appearance of the area, or neighbours' living conditions. I have no reasons to disagree, but an absence of harm in these respects is a neutral factor weighing neither for nor against the development.
14. The proposal would potentially gain at least one off-street parking space without the loss of an on-street space, given that the access would cross the tapered end of the layby and not an actual bay. However, given the absence of marked bays, it is possible that the access would shift on-street parking further along the bay, with no guarantee that the same number of cars could park in the bay as before. Moreover, I have no evidence that parking is at or above capacity and further spaces are needed to alleviate parking stress. As such, I afford only limited weight to the potential net gain in parking capacity.

### **Conclusion**

15. The proposal would conflict with the development plan, taken as a whole. Material considerations advanced in this case do not indicate that permission should be forthcoming despite this conflict. Therefore, for the reasons set out, and taking all matters into consideration, the appeal should be dismissed.

*K Savage*

INSPECTOR