
Appeal Decision

Site visit made on 16 December 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30TH December 2021

Appeal Ref: APP/P1940/W/21/3283180

25 Hayling Road, South Oxhey, Watford, Hertfordshire WD19 7BN

- 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 Jonathan Daly against the decision of Three Rivers District Council.
 - The application Ref 21/1125/FUL, dated 10 May 2021 was refused by notice dated 20 July 2021.
 - The development proposed is the installation of a dropped kerb to create a new vehicle cross over with hardstanding to the frontage to facilitate on-site parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's decision notice as it more accurately reflects the appeal proposal than that used on the planning application form.

Main Issue

3. The effect on highway safety.

Reasons

4. The proposals would involve the creation of a vehicular crossover on a classified road, to allow parking to the front of the appellant's dwelling. The proposed dropped kerb would be constructed within an existing parking bay, which provides off-street parking for the area.
5. Visibility from vehicles exiting the appellant's front garden onto this busy road would be severely limited by any vehicles which are parked in the existing parking bay, particularly when leaving the site in a reverse motion. As such, the proposal would constitute a hazard to other drivers and would therefore fail to safeguard highway safety.
6. Whilst I recognise that the provision of two parking spaces within the appellant's garden would result in an overall net gain of one parking space from the current parking bay arrangement, this benefit does not outweigh the harm that I have identified to highway safety.

7. In conclusion, the proposal would cause unacceptable harm to highway safety. The proposal is therefore contrary to Policy CP10 of the Three Rivers District Council, Local Development Framework, Core Strategy (2011) which seeks to ensure proposed developments safeguard highway safety.

Other Matters

8. I acknowledge that the dropped kerb would allow the appellant to charge an electric vehicle within his garden and the associated sustainability benefits this would bring. However, this would not outweigh the significant harm to highway safety I have identified.
9. I note that there are special medical circumstances associated with the proposal and have carefully considered all information submitted regarding this matter. Refusal of the scheme would engage Human Rights matters. Having regard to Article 8 and Article 1 of the first Protocol, there would be interference with the occupier's rights in respect of private and family life and the peaceful enjoyment of possessions respectively. However, there is a legitimate aim in protecting the highway safety of the area and the scheme falls short of acceptability in this respect. The harm would be longstanding. Consequently, these personal circumstances do not outweigh the significant harm that I have described. Such a conclusion is necessary and proportionate in this case.

Conclusion

10. I have found the proposal would conflict with the development plan when taken as a whole. There are no considerations which outweigh this conflict. I therefore conclude that the appeal should be dismissed. The proposal would not unacceptably violate the household's rights under Articles 1 and 8. The protection of the public interest cannot be achieved by means that are less interfering of their rights.

Rebecca McAndrew

INSPECTOR