



Appeal Decision

Site visit made on 5 January 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2022

Appeal Ref: APP/B1930/W/21/3275024

27 Leyton Road, Harpenden AL5 2JB

- 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 Rainsford against the decision of St Albans City Council.
 - The application Ref 5/20/1543, dated 9 July 2020, was refused by notice dated 23 November 2020.
 - The development proposed is the replacement and relocation of existing fence to incorporate one metre strip of land into garden.
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Decision

1. The appeal is allowed, and planning permission is granted for the replacement and relocation of existing fence to incorporate one metre strip of land into garden at 27 Leyton Road, Harpenden AL5 2JB in accordance with the terms of the application, Ref 5/20/1543, dated 9 July 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01G; and 100K.
 - 3) The development hereby permitted shall be implemented, including any demolition works, with the recommendations of the submitted arboricultural assessment (reference: S33-J3-IA-1).

Main Issue

2. The main issue relevant to this appeal is the effect of the development upon the operation of the access road adjacent to the appeal site.

Reasons

3. The appeal site consists of a domestic dwelling located next to a fire station. The fire station includes an access road, which runs from the rear of the building past the appeal site and joins a road junction. Adjacent to this road is a hedge.
4. The proposed development would consist of a fence erected closer to the fire station's access than the existing fence. The development would also result in the removal of a hedge that is adjacent to the access road.
5. Although concerns have been raised regarding the proximity of the proposed fence to the access road, none of the fence would encroach upon the access road or its kerb. The fence would mean that the vehicles leaving the appeal site

would not be able to overhang over the kerb line. However, the presence of the hedge means that this is currently not possible. Therefore, the proposed development would not result in a deterioration in the conditions of the access road.

6. In consequence, the proposed development would not result in an erosion of the access road's ability, in its current form, to accommodate larger vehicles that may be required to operate from the adjacent fire station. This means that the safety of those using the access road would be diminished.
7. References to a swept path analysis have been made. This has been undertaken with reference to the access road to the fire station being upgraded to include two lanes. However, the evidence before me is not indicative that this upgrade would definitely occur. In consequence, this diminishes the amount of weight that can be attributed to it.
8. Nonetheless, I note that even if this upgrade were to occur, it would not prevent larger vehicles entering or leaving the site. Given the nature of the adjoining site, I do not believe that it is imprudent to use a larger vehicle for the tracking analysis. Different swept path analyses have been submitted.
9. However, I understand that if this upgrade were to occur in tandem with the proposed development, larger vehicles leaving the appeal site would need to take a gentler curve from the area to the rear of the fire station. This is because they would not be able to have any overhang onto the area of land that is to the side of the appellant's dwelling and currently occupied by a hedge.
10. The swept path analysis provided by the appellant would require larger vehicles to take a gentler corner to exit the fire station site. Whilst this means that it would not be possible for two vehicles to pass one other at this juncture, both sets of drivers would have adequate visibility of one another and sufficient room to take appropriate avoiding action. In addition, the surrounding road network allows for views into the fire station site.
11. In consequence, the proposed development would not impinge upon the movement of emergency services vehicles, or other vehicles accessing or leaving the fire station site. In reaching this view, I have had regard to the fact that the use of the fire station site may change over time depending on operational need.
12. There is a possibility that pedestrians may require usage of the access road. However, they are currently unable to utilise the area in between the access road and the appellant's dwelling owing to the presence of a hedge. As an alternative there is land on the opposite side of the access road that can be used by pedestrians.
13. In addition, the vehicle tracking drawing as submitted by the Council only shows the installation of a pavement on the side of the access road closest to the fire station building. In consequence, the evidence before me is not indicative that the appeal proposal would prejudice the future installation of such a pathway.
14. In considering this appeal, the Council have not been directed towards any potential breach of the Development Plan. Whilst I have been directed towards the National Planning Policy Framework (the Framework), the evidence before

me is the proposed development would not result in an increase in the usage of the highway system or change the way it can operate. Therefore, the development would not result in a significant adverse effect upon the operation of the system.

15. In addition, the proposed development would not result in an erosion of the safety of the access road either in its current form, or its potential revised layout. The development would therefore not result in a detrimental effect upon the operation of the access road adjacent to the appeal site. Therefore, for the foregoing reasons, the proposed development would not conflict with the Framework, taken as a whole.

Other Matters

16. The appeal site contains a Listed Building and is within a Conservation Area. However, the evidence before me indicates that the proposed development would not have an adverse effect upon the character and appearance of these heritage assets. I have no reason to disagree.
17. The proposed development would result in the installation of additional boundary treatments. However, the proposed development would not result in an adverse effect upon flood risk either on site, or elsewhere.

Conditions

18. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. The surrounding area contains several trees, which make a positive contribution to the area's character. In result, a condition requiring the development to be carried out in accordance with the recommendations of the submitted arboricultural assessment is necessary and reasonable.
19. The Council has suggested a condition pertaining to the materials from which the development would be constructed. However, these details are specified on the submitted plans and therefore, I do not believe that an additional condition would be required.

Conclusion

20. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR