
Appeal Decision

Site visit made on 23 November 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 13th December 2022

Appeal Ref: APP/B1930/D/22/3306682

85 Luton Road, Harpenden, Hertfordshire AL5 3BA

- 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 Nick Simmonds against the decision of St Albans City and District Council.
 - The application Ref 5/22/1135, dated 29 April 2022, was refused by notice dated 14 July 2022.
 - The development proposed is the construction of a crossover and parking/turning circle to front garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the safety of other highway users.

Reasons

3. The proposed development includes a dropped kerb to enable access to an off-street parking space within the front garden of the appeal property which would also enable an electric powered vehicle to be charged. The proposed crossover would be capable of meeting the technical design standards of the Highway Authority.
4. The appellant claims that the proposed turntable within the front garden would enable a vehicle to enter and leave the parking space in forward gear. Although the turntable would be rotated by an electric motor, there would be a manual option if the power failed.
5. A Road Safety Audit (RSA) has been prepared by the appellant to support the appeal scheme and the absence of a record of significant traffic accidents has been noted. However, the RSA refers to the combination of the high traffic flows along Luton Road and the number of near-by road junctions requiring significant driver attention for a vehicle exiting the front garden of the property in forward gear. The RSA also raises concerns that if the proposed turntable was not used then there may be a risk of increased collisions if a vehicle reversed out of the property's front garden. Accordingly, the RSA recommends that the turntable is always used and is able to be used to enable vehicles to exit the proposed parking space in forward gear.

6. It is not disputed that the appellant would undertake the manoeuvring of the parked vehicle as envisaged by using the proposed turntable. Accordingly, the danger to the safety of other highway users would be limited as reported in the RSA. However, others will occupy the property at a later date and there can be no certainty that these future occupiers would be as diligent as the appellant in terms of either always using the proposed turntable for a vehicle to exit the parking space in forward gear or owning a vehicle which can be readily accommodated within the available space.
7. Further, it would be difficult to impose an enforceable planning condition on any successful appeal to ensure that the future occupiers would continue to use the turntable and a vehicle would only exit the parking space in forward gear. Any condition would be difficult for the Council to effectively monitor.
8. Accordingly, it is concluded that the proposed development would cause unacceptable danger to the safety of other highway users and, as such it would conflict with Policies 34 and 39 of the City and District of St Albans District Local Plan Review. Amongst other matters, these policies require development to have regard to road safety. Policy 40 concerns parking standards and is not of direct relevance to the determination of this appeal. For the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR