
Appeal Decision

Site visit made on 7 February 2023

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/B1930/W/22/3308414

55 Necton Road, Wheathamstead, St. Albans, AL4 8AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Garadice Development Ltd against St Albans City & District Council.
 - The application Ref 5/2022/2027, is dated 10 August 2022.
 - The development proposed is demolition of detached dwelling and erection of 2 detached dwellings with off road parking spaces.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Garadice Developments Ltd against St Albans District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal is lodged following the non determination of the application within the statutory period. In its statement the Council indicated that if it had been in a position to determine the application its putative reason for refusal would have related to the width of the proposed cross overs and their impact on the free flow of traffic and highway safety.
4. The appellant submitted a revised layout drawing, 005.01 Rev D, in advance of the decision to lodge the appeal. I have not taken this into account in this decision as it did not form part of the Council's considerations and I do not wish to prejudice other parties and offend the Wheatcroft¹ principles.

Main Issue

5. The effect of the proposal on highway safety.

Reasons

6. The appeal site comprises a single storey dwelling with garage located on the north side of Necton Road. The road is narrow and heavily parked and forms a U shape with two junctions to Marford Road.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

7. The appeal scheme is for the redevelopment of the site to provide 2 detached dwellings. Each would be served by 3no. parking spaces accessed directly from the highway and located in the space between the back edge of highway and the front wall.
8. The proposed scheme includes a cross over serving both dwellings of around 14m in length. Vehicles would be required to either access or exit the six parking spaces in a reverse gear. Given the limited width of Necton Road, the amount of on street parking and the proximity of Plot 02 to the sharp bend in the road there could be conflict with vehicles as well as with pedestrians from the appeal scheme.
9. Whilst I acknowledge that the layout is common to other properties which have forecourt parking and garages in Necton Road, they would be more acute given the length of the crossover and the numbers of vehicles involved. The potential conflict which could arise between pedestrians and vehicles could prejudice highway safety.
10. Policy 34 of the St Albans District Plan 1994 emphasises the importance of road safety when considering development proposals. This policy is consistent with Paragraph 111 of the Framework.
11. I acknowledge that the Council has an under supply of housing land and that the provision of an additional dwelling could make a limited contribution to this. However, the need to maintain highway safety is paramount.
12. I conclude that the appeal scheme conflicts with Policy 34 of the District Plan.
13. For this reason, the appeal is dismissed.

Stephen Wilkinson

INSPECTOR