



Appeal Decision

Site visit made on 4 April 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/X1925/W/22/3303249

45 Longmead, Letchworth Garden City, Hertfordshire SG6 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Jason Swain against the decision of North Hertfordshire District Council.
 - The application Ref 21/03418/FPH, dated 14 February 2022, was refused by notice dated 28 March 2022.
 - The development proposed is a single storey rear and side extensions, replacement chimney, front parking area and rear patio area, replacement windows and doors and new front cross-over.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extensions, replacement chimney, front parking area and rear patio area, replacement windows and doors and new front cross-over at 45 Longmead, Letchworth Garden City, Hertfordshire SG6 4HP in accordance with the terms of the application, Ref 21/03418/FPH, dated 14 February 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Site Plan Rev A; Front Garden Plan Rev A; Ground Floor Plan Proposed drawing no. 12821/05 Rev C; Roof Plan Proposed drawing no. 12821/06 Rev C; Rear and Front Elevations Proposed drawing no. 12821/07 Rev C; and, Right and Left Elevations Proposed drawing no. 12821/08 Rev E.
 - 3) The raised rear patio area shall not be brought into use until obscure screening panels to a height of 1.7m have been installed to the south east and north west sides of the patio area. The obscure screening panels shall be retained at all times thereafter.

Preliminary Matters

2. The Council issued a split decision for the development proposed as part of this appeal. Section 79(1)(b) of the Town and Country Planning Act 1990 (the Act), allows the Secretary of State, on appeal under Section 78 of the Act, to deal with the application as if it had been made to them in the first instance. I have therefore considered the development applied for as a whole as part of my decision.

3. The Council amended the description of the development, from that in the planning application form, to Development A: Single storey rear and side extensions, replacement chimney and rear and side patio area with replacement windows and doors; and, Development B: Formation of vehicular crossover and associated parking space to the front of the dwelling. As I have considered the development as a whole, I have determined the appeal on the basis of the description used by the appellant on the planning application form.
4. Based on my observations during my site visit, the element of the proposed development referred to by the Council as 'Development A' had commenced and appeared largely complete. I have considered the appeal based on the development applied for and the plans submitted with it.
5. When forming the main issue within this appeal, I have had regard to the reason for refusal given by the Council in the decision notice.
6. The decision notice refers to policies set out in the emerging plan. Since the decision was issued by the Council, the North Hertfordshire Local Plan 2011-2031 (LP) has been adopted. Therefore, the North Hertfordshire District Local Plan No 2 with Alterations April 1996 (saved policies under the Planning & Compulsory Purchase Act 2004 Written Statement September 2007) no longer forms part of the development plan. I have not therefore had regard to saved Policy 55 of the superseded plan in reaching my decision and have taken account of the policies set out in the LP adopted on 8 November 2022.

Main Issue

7. The main issue is the effect of the development on highway and pedestrian safety.

Reasons

8. Longmead is an unclassified road, with a 30mph speed limit, located within a predominately residential area. I observed low vehicle and pedestrian movements and low vehicle speeds along Longmead during my site visit. I appreciate that the road conditions I experienced were only a snapshot of the road at this particular time. I have had regard to evidence submitted as part of this appeal, including comments from a third party which indicate the road is increasingly utilised as a 'cut through' and the Highway Authority comments which state that Longmead has no recorded accident history in the past five years. I am therefore satisfied that the conditions I observed largely represent typical conditions.
9. Hertfordshire County Council Environment and Infrastructure Department Residential Dropped Kerbs Terms and Conditions guidance document (RDKTC) requires any additional crossover to have provision for vehicles to enter and leave the site in a forward gear. The RDKTC cites the reason for this requirement is that it is safer to drive off a property in a forward gear. The proposed development includes a second crossover, to provide access to a single parking space. There is no provision shown on the submitted plans which would allow vehicles to enter and leave the site in a forward gear. The proposed second crossover does not therefore comply with the guidance contained within the RDKTC. However, I note that the RDKTC states its primary consideration is highway safety.

10. During my site visit I observed that the majority of properties along Longmead, and the surrounding streets, have off-street parking provision, typically in the form of a single access point. The majority of the off-street parking spaces I observed did not have provision for vehicles to enter and leave the site in a forward gear. I therefore consider that it is common for vehicles to either reverse on or off each driveway along Longmead. I did observe that no. 22 Longmead had two crossovers, neither of which allowed for cars to enter or leave in a forward gear. I have limited information before me relating to the provision of the second crossover and, as such, this is a matter of limited weight.
11. The submitted plans show the number of bedrooms serving no. 45 are to be reduced from 3 to 2. I note that the Highway Authority have confirmed that as the proposed development does not provide any additional bedrooms, it is unlikely to generate a significant number of additional vehicle trips. Based on the evidence before me, I have no reason to disagree with the Highway Authority's assessment regarding movements to and from the site.
12. Having regards to the above, there is no evidence before me that demonstrates that the proposed second crossover would result in an unacceptable impact on highway safety, particularly as vehicle movements to and from the site are unlikely to significantly increase as a result of the proposed development. Whilst the proposal conflicts with the specific guidance contained in the RDKTC, it does not conflict with its primary consideration with regards to highway safety.
13. I note that the Highway Authority highlight that the proposed new crossover is unlikely to be approved and as a result the parking layout is therefore unacceptable. The approval of any such crossover is a separate matter from the application for planning permission.
14. For the above reasons, I conclude that the single storey rear and side extensions, replacement chimney, front parking area and rear patio area, replacement windows and doors and new front cross-over would not result in harm to highway and pedestrian safety. The proposal complies with Policy T1 of the LP, Policy 5 of the Local Transport Plan 4 2018 (LTP), and guidance within the RDKTC and the National Planning Policy Framework (the Framework). Collectively, these policies and guidance documents seek to ensure development access arrangements are safe and would not result in an unacceptable impact on highway safety.
15. The Council have referred to Policies SP9 and T2 of the LP and Policies 1 and 7 of the LTP within their reason for refusal. These policies seek, amongst other things, to ensure that development is well designed and responds positively to its local context, provide minimum parking provision, promote transport user hierarchy and promote active travel. As these policies do not refer to highway safety, they are not relevant to this matter.

Other Matters

16. I have also had regard to the element of the proposed development, referred to as 'Development A' by the Council. I agree with the Council and find no harm to the scale and character of the area or living conditions of neighbouring occupiers as a result of the proposed development.

17. The Council have highlighted the layout at no. 53 Longmead, which I observed on my site visit, has utilised part of its front garden to create a parking space, whilst retaining the one vehicular access. I have limited information before me relating to this development. In any case, I have to deal with the proposal based on the information before me.

Conditions

18. The Council have recommended three conditions, relating to time limit, approved plans and screening of the rear patio area. For the avoidance of doubt, development needs to be carried out in accordance with the statutory time limit and approved plans. In order to ensure the living conditions of neighbouring properties are not affected, by virtue of overlooking, appropriate screening to both side boundaries of the patio is required. I have amended the wording of this condition to make it more precise.

Conclusion

19. For the above reasons, having considered all the policies drawn to my attention, the compliance with Policy T1 of the LP and Policy 5 of the LTP leads me to conclude that there is no conflict with the development plan as a whole. There are no material considerations that indicate that I should conclude other than in accordance with the development plan. Consequently, I conclude that the appeal should be allowed.

S Pearce

INSPECTOR