

Appeal Decision

Site visit made on 20 June 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2023

Appeal Ref: APP/J1915/D/23/3316763

7 Cozens Road, Ware, Hertfordshire SG12 7HH

- 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 Katrina Willicombe against the decision of East Herts Council.
 - The application Ref 3/22/2102/HH, dated 5 October 2022, was refused by notice dated 5 December 2022.
 - The development proposed is a two storey rear and side extension and porch.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear and side extension and porch at 7 Cozens Road, Ware, Hertfordshire SG12 7HH in accordance with the terms of the application, Ref 3/22/2102/HH, dated 5 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22007.100-104 & 22007.300-304.
 - 3) The works hereby permitted shall be carried out in accordance with the description of materials set out in the application form.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on highway safety.

Reasons

3. The works would represent a re-modelling of this property, utilising the area to its side which is currently bounded by a brick wall and accommodates single storey, flat roofed structures. The proposed design would result in these, and the rear extension, being replaced by a two storey addition. The design includes a front and rear facing two storey gable and a large front porch with a pitched roof. The property is currently of a simple design and these new interventions would add to its interest. Although the roof form to the rear would be slightly contrived, overall, the property would have an improved appearance.
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4. This is a prominent corner location and the works would benefit the character and appearance of the area. It therefore gains support from policy DES4 of the East Herts District Plan 2018 (DP) which seeks to make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area. DP policy HOU11(a) requires that development is appropriate to the character and appearance of the dwelling and surrounding area and is generally subservient. Although not subservient, the proposal would satisfy the main objectives of this policy.
5. The proposal includes the provision of a front vehicular access and parking for vehicles within the site. There would be visibility from this access which would be sufficient for the speed of traffic that navigates the bend outside the house. The new access would be similar to that of the neighbouring property. This is a residential street where accesses are common. On-street parking takes place along the road at certain points and given the curvature of the road at this point, off-street parking is likely to offer benefits in terms of forward visibility for drivers compared to on-street parking. The proposal is unlikely to significantly change driving conditions given the current driveway provisions locally.
6. The highway authority have objected to the proposal on the basis that each point of access onto the highway creates an additional point where conflicts can occur and therefore seek to keep access points to a minimum in the interests of highway safety, particularly where the vehicle access crosses a footway. They go on to advise that additional accesses on many occasions will remove kerbside parking, thus having a detrimental effect on highway amenity.
7. The geometry of this road is such that on-street parking outside this property on the inside of the bend would add to highway safety concerns. Furthermore, there is no evidence of parking stress in this area so there would be little impact on highway amenity. Footway users have good visibility across this frontage and indeed across that of the neighbouring property and as a result, this additional access would not significantly alter safety or convenience for footpath users. This appears to be an unusual situation whereby the garage to the property requires access over third party land. The legal position regarding the use of the garage or the land outside it, is not clear. However, the issue is whether the additional access would result in harm with regard to highway safety. Whilst the highway authority may wish to limit access points generally, this is not a requirement of DP policy TRA2. The proposal needs to be considered on the specific circumstances of this individual case and there is no evidence to suggest that there would be conflict with that policy or any significant change with regard to highway safety.
8. In terms of the exact position and detail of the footpath crossover, this is outside the application site and is a matter that can be addressed when an application to drop the kerb is made to the responsible local authority.
9. The final matter raised by the council relates to the certificate served with the application which failed to consider any potential intrusion of foundations or eaves beyond the boundary of the site into the wide grass verge area. The appellant has now served a notice on the owners and no comments have been received. It is not clear where the adopted highway extends to, but in any

event, it would appear that all parties are now fully aware of the proposal and would not be prejudiced.

10. Overall, the proposal would improve the appearance of the property and would not result in any material change with regard to highway safety. There would be no conflict with the development plan policies or those of the *National Planning Policy Framework* with regard to design or road safety. As there are no other matters that weigh significantly against the proposal, I allow the appeal.
11. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. The application form sets out the details of the materials to be used and a condition would require that these details are implemented to ensure that the development would have a satisfactory appearance.

Peter Eggleton

INSPECTOR