
Appeal Decision

Site visit made on 5 September 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20TH September 2023

Appeal Ref: APP/N1920/D/23/3325508

51 Manor Way, Borehamwood, Hertfordshire WD6 1QR

- 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 Daniel Amza against the decision of Hertsmere Borough Council.
 - The application Ref 23/0463/HSE, dated 4 April 2023, was refused by notice dated 26 May 2023.
 - The development proposed is a new crossover from road onto driveway.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; and secondly, on highway safety and on-street vehicle parking for users of Manor Way.

Reasons

Character and appearance

3. The proposal is a new dropped kerb and vehicle crossover to provide access from Manor Way to the front of the appeal property, which is a 2-storey dwelling that is set back from the road within a mainly residential area. The new crossover would extend across part of the wide grass verge and 2 footways to connect the carriageway with the front of No 51. At present, this pleasant green space, with its open grassed area and young trees makes an important and positive contribution to the local area. It does so by adding to the verdant qualities of, and the spacious feel within, the local street scene.
4. The new crossover would cut across part of the grass verge and replace a significant area of grass with hard surface. While the proposal would not impede the use of the existing footways in front of the site, it would sever the main body of the grassed area. In doing so, it would establish a clear visual and physical break in the greenery within the streetscape of which No 51 forms part. As the only example of such development along this section of Manor Way, the proposal would appear as a visually disruptive and uncharacteristic intrusion into otherwise largely uninterrupted green space. Control over the type of surface material to ensure high quality porous materials or the introduction of additional planting within the site would have little effect on the adverse visual impact of the proposal given the expanse of new hard landscaping to be introduced.

5. I saw that dropped kerbs and driveways serve several dwellings further along Manor Way, including those to which the appellant has referred and provided photographs. However, none of these examples form part of the same street scene as No 51 nor do they have a similar effect on an extensive area of green space in front of the property as would be the case with the proposal. As these existing accesses are not directly comparable with the appeal scheme, I attach limited weight to them in support of the appeal.
6. On the first main issue, I conclude that the proposed development would seriously harm the character and appearance of the local area. It is therefore contrary to Policy CS22 of the Hertsmere Local Plan: Core Strategy (CS), Policies SADM30 and SADM36 of the Site Allocations and Development Management Policies Plan (SA&D) and the Council's Planning and Design Guide. These policies and guidance aim to ensure that development positively contributes to the built environment and complements the character of the local area. It is also at odds with the National Planning Policy Framework (the Framework), which states that development should be sympathetic to local character and add to the overall quality of an area.

Highway safety and on-street parking

7. The modest size of the front garden of No 51 would offer little realistic opportunity for a typical medium or family sized vehicle to both enter and leave the site using the new crossover in forward gear. In the absence of any firm evidence to the contrary, a motorist using the proposal would be likely to need to reverse into or out of the site using the adjacent footway or even the main carriageway. Such movements, even at slow speed and with restricted visibility of oncoming road users in both directions, would be far from ideal given the local conditions.
8. Specifically, during the mid-morning site visit I saw that the volume of traffic using Manor Way as it passes the site was significant and that the on-street parking bays on both sides of the road were well used. It would be reasonable to assume that compared to these conditions the level of traffic and kerb side parking could be greater at other times such as the evening when people often use cars to commute and park their vehicle outside their home. Even though the number of vehicle movements using the new crossover would be modest, the appeal scheme would result in motorists either turning into or out of the road. In doing so, driver visibility may well be restricted by parked vehicles on either side of the new dropped kerb. For motorists exiting the site, views of oncoming road users would be likely to be obscured in both directions by parked cars even with the open grass verge and footways in the foreground.
9. Some highway users would be aware of the need to be vigilant for vehicles entering and exiting front gardens. However, as dropped kerbs and driveways are not a familiar feature along this section of Manor Way many others may not. The width of the footway on either side of the site would also provide sufficient space for pedestrians and cyclists to stop a little distance away from a vehicle emerging from the site. Even so, the wide expanse of green space in front of the site might also encourage a driver to exit the site or turn the vehicle quicker than footway users might normally expect, possibly catching some people by surprise. For all these reasons, I have little doubt that the proposal would pose an unacceptable risk to highway safety.
10. Although there are properties with dropped kerbs and off-street forecourt parking further along Manor Way, I saw that most also rely on vehicles

reversing onto the highway or using the adjacent footway often with restricted visibility of others. I am unaware of the detailed circumstances of these arrangements, most of which were not ideal with regard to highway safety. These examples do not persuade me that the proposal, which would add to highway danger, should therefore be accepted.

11. I observed that traffic calming measures along Manor Way appear to moderate the speed of vehicles as they pass the site. The presence of speed cushions, bollards and white lined parking bays all serve to emphasise the need for drivers to exercise caution. Even so, the possibility that vehicles using the new crossover may unexpectedly emerge onto the road between parked cars or change speed and direction within the carriageway to turn into or out of the site would still be hazardous to others.
12. With regard to on-street parking, the proposal would result in the loss of 1 space at the front of No 51. While the overall space for vehicle parking on the highway would be reduced as a result, the plans show that an additional space would be provided within the site that in turn would lessen the demand for on-street parking. As a result, residents who park on the road would not necessarily be disadvantaged by the proposal to any great extent. Therefore, I am unable to share the opinion of the Council that the proposal would reduce the existing capacity for on-street parking.
13. Nevertheless, I conclude on the second main issue that the proposed development would be detrimental to highway safety for users of Manor Way. Accordingly, it conflicts with CS Policy CS25, SA&D Policy SADM40 and the Framework, which collectively aim to ensure that new development provides safe and suitable access.

Other matters

14. The appellant states that the new parking arrangement would enable an electric vehicle to be charged on-site. While such an approach would contribute to reducing vehicle emissions, it does not outweigh the significant harm that I have identified.
15. The Council raises additional concern that the proposal, if permitted, could set a precedent for similar schemes that in turn would further reduce on-street parking capacity. However, there is no persuasive evidence before me that the demand for on-street parking clearly exceeds supply, and each proposal should be assessed on its own merits. Therefore, this general assertion does not in itself justify withholding planning permission.

Conclusion

16. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
17. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR