



Appeal Decision

Site visit made on 2 August 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/P1940/W/23/3318007

18 Hayling Road, South Oxhey, Hertfordshire, WD19 7BW

- 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 Miss Louise Egan against the decision of Three Rivers District Council.
 - The application Ref 22/1769/FUL, dated 17 October 2022, was refused by notice dated 9 December 2022.
 - The development proposed is described as 'a drop kerb to allow for a driveway of two cars which would free up the road with one space being made available for other road users'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision describes the proposal as 'Construction of a dropped kerb, vehicular access and driveway' and as this describes the proposal more fully, I have considered the appeal on this basis.

Reasons

3. The main issue in this appeal is the effect of the proposed access on highway safety. The development plan includes policy CP10 in the Council's Core Strategy (2011) which requires that accesses are safe and adequate, giving priority to people with mobility difficulties, pedestrians and cyclists. The more recent National Planning Policy Framework has a similar objective. Policies DM13 and Appendix 5 in the Council's Development Management Policies document (2013) which set out parking standards are not relevant as they apply to new developments.
4. Hayling Road is a long, classified C local distributor route subject to a 30mph speed limit within a residential area of mainly terraced and semi-detached houses. In the wider vicinity of the appeal site, most dwellings do not have on-site parking and there are parking bays along both sides of the highway in which vehicles park parallel to the road. No 18 is a mid-terraced house which is sited opposite one of two vehicular entrances to Colnbrook primary school. Parking is restricted around both of those entrances but allowed on the section of highway between the entrances which does not contain parking bays. The section of highway adjacent to the appeal site forms a long stretch of parking bays along this side of the road which are separated from the residential curtilages by a grass verge and the footway. The Council's policy also seeks to

- encourage other means of travel and outside no 22, close to the appeal site, there is a bus stop with buses stopping on the carriageway.
5. The proposed dropped kerb would be located within an existing parking bay on Hayling Road. Hertfordshire County Council's 'Residential Dropped Kerbs Terms and Conditions' states that a dropped kerb cannot be installed within a parking bay. Although that does not form part of the development plan, it is nevertheless a material consideration in this appeal.
 6. At the time of my mid-morning visit during the main school summer holiday, the traffic flows and pedestrian movements were steady and there were a number of vacant parking bays. However, it is likely that in term time, traffic flows and pedestrian movements (which are likely to include a high proportion of young children) are considerably heavier at peak times and that the parking bays are in frequent use given their location opposite a school. Indeed, the appellant has referred to long queues of cars and taxis on the road outside the school and parking by parents in bays.
 7. The road is long and straight to the east of the appeal site and has a gentle curve to the west. However, when leaving the proposed access, the driver's visibility would be severely restricted by parked vehicles and they would be unable to clearly see vehicles and cycles travelling along the road or pedestrians crossing the road. This would be exacerbated by buses stopping on the carriageway that are also likely to generate a steady number of pedestrians. Furthermore, a driver entering the proposed access would have to drive over the footway and verge after emerging from the parking bay area which pedestrians would be unlikely to expect. This would result in a severe danger to the safety of those road users and pedestrians, contrary to policy CP10.
 8. The Council's Highways consultee has objected and notes that there have been two collisions, one of slight severity and one severe, within 100m of the appeal site in the last 5 years. Whilst I have not been provided with any accident reports for those, this adds to my concerns.
 9. At my visit I saw that some of the other dwellings in this section of the road have vehicular accesses but I have not been made aware of whether or not those have planning permission and some appear to have been constructed some time ago and may pre-date the Council's current policies. They do not, therefore set a precedent for this appeal. Those accesses may mean that other road users are aware of the need to take care in those locations but an additional access would have a cumulative impact that would worsen the safety of pedestrians and cyclists along this part of the road.
 10. The appellant has referred to the Highway Code which requires that drivers reverse into drives from a main road when possible but such a manoeuvre would be difficult given the surrounding parked cars. The appeal site is not of a size that would allow for on-site turning and reversing out from the drive would also be difficult for the same reason. The direction of vehicle manoeuvres cannot be enforced in any case which is why the Council's policy seeks to ensure that accesses are appropriately located.
 11. I have noted that the proposal would provide two parking spaces for the appellant who currently parks two cars in the parking bays but as it would also involve the loss of one existing on-street space, the net gain of one space that

would be freed up for others would not be significant or sufficient to outweigh the significant harm to highway safety that would be caused.

12. The appellant has emphasised her wish to collect her young children by car and for safe passage in and out of the property and as close as possible. However, I have not been told of any sufficiently compelling need for this and as the Council's policy seeks also to encourage other means of travel, this matter does not outweigh the harm that the proposed access would cause to other road users, including other young children.

Conclusion

13. For the reasons given above, I conclude that the proposed development would result in significant harm in terms of the safety of road users and pedestrians. It would therefore be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector