



Appeal Decision

Site visit made on 24 October 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2023

Appeal Ref: APP/P1940/W/23/3320941

12 Kirkcaldy Green, South Oxhey, Hertfordshire WD19 7DQ

- 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 Scott Laing against the decision of Three Rivers District Council.
 - The application Ref 23/0079/FUL, dated 17 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is to build a pathway across the grass verge to join the existing dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is an existing grasscrete vehicular access serving 8 and 9 Kirkcaldy Green. The Council appears to concede that this access is well-established and likely to be immune from enforcement action. I have therefore considered the appeal on the basis that the existing grasscrete access is likely to be retained.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Kirkcaldy Green is a cul-de-sac within the residential area of South Oxhey. The cul-de-sac contains semi-detached dwellings that are arranged around a central parking and vehicular circulation area. The road is separated from the dwellings by amenity grassland and a footway. The grassland contributes positively to local character because it adds visual interest to the street scene and helps to soften the appearance of the surrounding built development.
5. Most parking is provided for in on-street communal bays. However, in addition to the grasscrete access to 8 and 9 Kirkcaldy Green, there is also an existing dropped kerb and tarmacked driveway that provides vehicular access to 7 Kirkcaldy Green. The amenity grassland is, therefore, partially fragmented by the existing vehicular crossovers. This has already caused some harm to the character and appearance of the area.
6. The proposal would make use of the existing dropped kerb that serves Nos 8 and 9. However, the additional area of grasscrete would lead to the further deterioration of the grassed area and would have an urbanising effect on the street scene. The proposed grasscrete surface would allow some grass growth to occur. However, some of the hard surface material would still be visible and,

therefore, it would materially alter the character and appearance of the amenity space. This would be unsympathetic to local distinctiveness and would therefore be harmful.

7. Notwithstanding the small scale of the development, it would still have a significant effect at a localised level given the limited width of the amenity space and the cumulative impact with other vehicular crossovers. In this respect, it would not follow the design guidance set out in Appendix 2 of the DMP which, amongst other things, expects development to respect the character of the street scene.
8. I conclude that the proposal would cause unacceptable harm to the character and appearance of the area. It would therefore be contrary to policies CP1 and CP12 of the Three Rivers District Council Core Strategy 2011 (CS) and the National Planning Policy Framework, insofar as they seek high quality development that respects local character and distinctiveness. It would also be contrary to policy DM1 of the DMP which resists the gradual deterioration of the quality of the built environment. There would be further conflict with policy DM11 of the DMP insofar as it discourages vehicular crossovers that fragment the loss of grass verges and other spaces.

Other Matters

9. My attention has been drawn to the benefits that would arise from providing additional off-street parking options in Kirkcaldy Green. The evidence is inconsistent as to whether or not the proposal would provide for parking as well as access. However, even if parking were to be provided, there is limited evidence before me to suggest the existing communal parking facilities are insufficient. I have therefore attached limited weight to this matter.
10. The proposal would facilitate direct vehicular access to the host dwelling for tradespeople and services, and therefore could result in some local economic benefits. However, any social or economic benefits associated with facilitating direct vehicular access to the host dwelling would be very minor. Such benefits therefore carry very little weight.
11. No harm has been identified in respect of other matters, including highway safety, ecology, and the living conditions of neighbouring residents in terms of light, intrusion and outlook. From the evidence, and my observations, I have no reason to take a different view on these matters. Moreover, no objections to the proposal were received from Watford Rural Parish Council or the Highway Authority. A lack of harm is neutral and weighs neither for nor against the development.

Conclusion

12. The proposal conflicts with the development plan when read as a whole. There are no material considerations before me that outweigh that conflict. Therefore, for the reasons given above I conclude that the appeal is dismissed.

E Catchside

INSPECTOR