

Appeal Decision

Site visit made on 5 December 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.12.2023

Appeal Ref: APP/N1920/D/23/3319647
28 Milton Drive, Borehamwood WD6 2BB

- 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 C Dina against the decision of Hertsmere Borough Council.
 - The application ref. 22/1970/HSE, dated 23 November 2022, was refused by notice dated 30 January 2023.
 - The development proposed is "*Installation of hard landscaping to include new vehicle crossover and dropped kerb to create front driveway with new electric vehicle charging point. (Amended Plans Received 16/01/2023)*".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposed development upon the character and appearance of the locality and upon highway and pedestrian safety.

Reasons

3. The determination of this appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Core Strategy 2013 (CS) and the Site Allocations and Development Management Policies Plan 2016 (PP).
 4. No. 28 is a semi-detached house set well back from the carriageway in Milton Drive. This is a residential street with mainly semi-detached or terraced houses, some bungalows, a number of sizeable green spaces crossed and/or surrounded by pedestrian paths and a variety of parking opportunities including purpose-built communal parking areas, lay-bys, on-street parking some of which takes place in line with and over the verges and private in-curtilage parking.
 5. The appellant wishes to adopt that latter method by laying out the front garden of the dwelling with permeable block paving at the same time as fitting a charging point for an electric vehicle. In order to facilitate this, there would be a new crossover, 4.5 m wide and mostly surfaced with reinforced grass pavers, extending across part of a wide grassed area and 2 footways to connect Milton Drive with the front of no. 28. The dropped kerb would be at the edge of the carriageway where there is a lay-by for the parking of 2 vehicles.
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6. The wide triangular-shaped grassed area in front of nos 24-28 is part of a larger green space that is designated as an open space (ref. BW 190) within Borehamwood under PP Policy SADM34. This means it has been identified as being of particular importance to the local community and the visual amenities of this urban environment. It is a pleasant space that makes a positive contribution to the locality. Whilst an open aspect might be retained in the sense that no new building is proposed as such, this settled environment would still be adversely affected by the appeal scheme. The wide and lengthy grid of reinforced grass pavers would bisect the grassed area in front of nos 24-28. This expanse of hard landscaping, even with careful design and selection of materials, would create a visually disruptive clear break across the green space and would lack the visual interest and softness of the existing grassed area.
7. Looking at Milton Drive as a whole, I did not see any other examples of vehicle crossovers cutting across the larger green spaces hereabouts whether they be formally designated or not. As the only such example, this would tend to emphasize the negative and lasting adverse visual impact of the appeal scheme. If permitted, it could legitimately result in other residential occupiers seeking to do the same, so compounding the harm I have found.
8. Whilst there are various driveways cutting through large verges and footways along some parts of Furzehill Road, Arundel Drive and Grantham Green, as illustrated by the appellant, it is the case that none of these examples are found in the same street scene as the appeal property and more crucially, there is no specific evidence before me to show that any of those other grass verges affected are designated as open spaces under PP Policy SADM34.
9. I find on the first main issue that the proposed development would have a materially harmful impact upon the character and appearance of the locality. It would therefore fail to comply with CS Policy CS22 and PP Policies SADM30 and SADM34, which, when read together, seek to ensure development makes a positive contribution to the built and natural environment, results in high quality design and does not negatively impact upon designated open spaces. The National Planning Policy Framework (the Framework) says good design is a key aspect of sustainable development and in promoting healthy and safe communities, emphasizes the importance of existing open spaces. The Council's Planning and Design Guide does not pull in a different direction.
10. Turning to highway and pedestrian safety, although the scheme would relate to a single dwelling, the proposed vehicular access could be used several times a day each day. I share the view of the Highway Authority, as expressed in their consultation response on the amended scheme, that there is insufficient space in the front garden to enable a medium-sized vehicle to enter and exit without manoeuvring onto one or both of the pedestrian paths immediately adjacent to the appeal property. There is likely to be a degree of pedestrian activity along those footways. Even though the proposal is modest in scale and the vehicular manoeuvres to and from the property would take place at low speeds, drivers may not have adequate awareness of pedestrians on the pavements and vice versa. As such, the appeal scheme would not create a place that is safe or minimize the scope for conflicts between pedestrians and vehicles. The scheme would introduce potential points of conflict between vehicles and pedestrians and would not be in the best interests of highway and pedestrian safety.

11. I saw that even in the mid-morning period of my site visit there was evidence of high demand for on-street parking. If the new vehicle crossover and dropped kerb are to function properly as shown on the plans, the Highway Authority was correct to point to the potential loss of the 2 on-street parking spaces in the lay-by. Still, with no clear evidence that the demand for on-street parking outstrips supply, the displacement of this parking area may not be problematical in highway safety terms. However, it would be to the detriment of local residents in Milton Drive, particularly the occupiers of no. 26.
12. If it was to prove possible to retain a single on-street parking space alongside the dropped kerb, it would be a very tight arrangement. In that scenario, vehicular movements out of the appeal property would, from time to time, need to take place alongside a parked vehicle which would impede the visibility between emerging drivers and those already on the road and approaching the site. Drivers exiting the front garden would be focussed on the position of that parked vehicle, whilst those already on the road may not expect a vehicle to emerge at this point when the road is dominated by on-street parking. This adds to my concerns that the scheme would not be in the best interests of highway and pedestrian safety.
13. I find on the second main issue that as the proposal would lead to a reduction in highway and pedestrian safety, there would be conflict with CS Policy CS25 (which in the material from the Council's questionnaire covers accessibility and parking, not strengthening town centres as claimed by the appellant), PP Policy SADM40 and the Framework which seek to ensure that, when assessing development proposals, safe and suitable access to a site can be achieved for all users, with priority given to pedestrians.
14. I acknowledge the appellant's wish to use an electric vehicle and have a convenient layout for the charging cables. I do not dismiss this benefit of the proposal lightly. Indeed, the Framework indicates, in promoting sustainable transport, that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. However, this would not be a safe location for the reasons given above and there would be the additional harm to the character and appearance of the area. Moreover, it would not be reasonable to restrict the use of the parking area in the front garden to electric vehicles only. This other material consideration, whilst of importance, does not therefore outweigh the harm that I have found.
15. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR