

Appeal Decision

Site visit made on 5 January 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 15.02.2024

Appeal Reference: APP/J1915/D/23/3331016

Land at 23 Cambridge Road, Sawbridgeworth, Hertfordshire CM21 9JP

- 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 J. Maiden against the decision of East Herts Council.
 - The application (reference 3/23/0864/HH, dated 31 May 2023) was refused by notice dated 21 August 2023.
 - The development proposed is described in the application form as a vehicle access.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on highway safety and convenience.

Reasons

3. Sawbridgeworth is a substantial town in Hertfordshire and Cambridge Road (the A1184) is the busy main road leading north out of the town. In the vicinity of the appeal site, development along the road frontages is mainly residential in nature, although there is a variety of building types, set back from the road in some cases but not in others.
4. The appeal site is located on the western frontage of the road, where there is a wide verge, with some trees, alongside the footpath. On-street parking provision is also made on this side of the road, although some of the properties on both road frontages have direct vehicular access on to the main road. Of those, some have sufficient space on-site to enable cars to enter and leave in forward gear. Others, however, require parked cars to back out into the road (or to back into their site).
5. It is stated that the on-street parking bays on the western frontage of the highway were created primarily to serve dwellings on this side of the road but there are no restrictions to that effect. I accept that others also use these parking bays, to the disadvantage of local residents.

6. Number 23 Cambridge Road is one of a group of similar semi-detached houses, set back from the highway behind their front gardens. The front gardens have sufficient depth to allow for a car to be parked but the gardens are not large enough to enable a car to turn before re-entering the highway.
7. It is now proposed that a dropped kerb should be installed at number 23 Cambridge Road, to enable vehicular access to the property and to allow for the provision of an off-street parking space.
8. Under the broad heading "Promoting sustainable transport", Section 9 of the 'National Planning Policy Framework' deals with a number of transport related issues. It points out the need to address concerns about the transport network (including in terms of "capacity and congestion") and to prevent significant impacts on highway safety. It is intended that congestion ought to be reduced (and hence that new development should not inhibit the free flow of traffic, in principle), but it is of particular importance to ensure that *"safe and suitable access to the site can be achieved for all users"*.
9. Policy TRA2 of the 'East Herts District Plan' (dated October 2018) is likewise, aimed at achieving safe and suitable highway access arrangements for all users.
10. Furthermore, broader national and local planning policies that seek to encourage good design intrinsically include a requirement to maintain highway safety and convenience.
11. In this case, the proposed dropped kerb and its associated parking area would require cars parked at number 23 Cambridge Road to either enter or leave the new parking area in reverse gear. In spite of the wide verge area that is available for the crossing, this would increase the number of awkward turning movements in the highway and would inevitably interfere with the traffic flow on the main road. I am persuaded that there would be a significant interference with the traffic flow on the main road (which is a busy classified A-road) that would be unsatisfactory in terms of highway safety.
12. It has been pointed out that no restrictions currently apply to the existing parking bays, and that special health concerns are relevant for the appellant in this case. It is not within the scope of this decision to suggest such potential restrictions, however.
13. It has also been pointed out that emerging cars would leave the appeal site between parked cars in the lay-by area alongside the main road. I am not persuaded that this would significantly increase dangers to pedestrians but it would add to the difficulty of emerging into the traffic flow, underpinning the broader objection that has been raised.
14. On the other hand, I do not accept that the loss of a parking space on the highway would justify a refusal of planning permission, since residents at the appeal site would be likely to park on the highway in any case. Indeed, that appears to have been the rationale for the parking bays. Of course, a new provision would be created at the appeal site, albeit for the private use of that property.

15. Nevertheless, I have concluded that the proposed dropped kerb and parking area at number 23 Cambridge Road would have an unacceptable impact on highway safety and convenience, since it would interfere excessively with the free flow of traffic on the busy main road.
16. Hence, I have formed the opinion that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR