



Appeal Decision

Site visit made on 27 March 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16 April 2024.

Appeal Ref: APP/P1940/W/23/3327123

17 Prestwick Road, South Oxhey, Hertfordshire WD19 7DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Pandya and Mr Reqica against the decision of Three Rivers District Council.
 - The application Ref is 23/0709/FUL.
 - The development proposed is vehicular crossover at number 17 & 19 Prestwick Road WD19.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the appellant submitting the appeal, Hertfordshire County Council (HCC) as Highways Authority has published their Growth and Environment Residential Dropped Kerbs Policy in November 2023 (HCC's dropped kerbs policy). The Council provided a copy and referred to this document in their appeal statement and the appellant has also taken the opportunity to comment on this document in their final response. I am therefore satisfied that both parties have had the opportunity to consider this document and provide comments on whether it is relevant in the context of the proposed development. Although this document is not part of the development plan it is a material planning consideration and, on that basis, I have taken it into account in the determination of this appeal.
3. During the appeal process, the appellants have indicated that the owners of Nos 17 and 19 would be willing to share their frontages to enable vehicles to turn around and exit in forward gear. However, such an arrangement has not been indicated on any plans and such an amendment would represent a material change to the proposal before me. Given that interested parties have not had the opportunity to comment on such a proposal it would not be appropriate for me to consider the appeal based on this suggestion.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site comprises 17 and 19 Prestwick Road (Nos 17 and 19) which are the middle two houses in a terrace of four. Although the front garden of No 17 has been paved and the front garden of No 19 has been gravelled, there is no

dropped kerb in front of these properties. Further, there are existing parking bays in front of these properties. Between the front boundary and the road there is a cycle track, a pedestrian footpath and a verge.

6. The proposal would involve the introduction of a dropped kerb and new crossover that would cut across the cycle track, pedestrian footpath and verge. This would allow vehicles to park in front of the appeal properties, but would also result in the removal of the parking bays located along the road.
7. Although I accept that vehicles could physically fit on to the proposed parking areas at Nos 17 and 19 and would not cause an obstruction to the footpath, I do not agree that vehicles would be able to turn around within the driveway. Consequently, they would therefore either have to reverse on to or out of the proposed parking spaces. Such a manoeuvre across the existing cycle way and footpath and onto the road would result in unacceptable harm to highway safety and inconvenience to pedestrians, cyclists and other road users.
8. There is no parking bay in front of 15 Prestwick Road (No 15) which has a no parking white line to protect the existing crossover. As a result, the proposal would result in no cars being parked on the road in front of Nos 15, 17 and 19 which would create a gap of about 25 metres. However, there would be a retained parking bay in front of 21 Prestwick Road and a significant number of parking bays to the south, albeit broken by some other existing crossovers and no parking white lines. This arrangement would significantly reduce visibility for drivers using the proposed parking spaces when looking south and also for vehicles travelling north along Prestwick Road. Consequently, this arrangement would further exacerbate highway safety concerns. It follows I do not agree that the proposal would contribute positively to road safety.
9. At the time of my site visit, I observed that there was parking pressure along this part of Prestwick Road, with almost all parking bays occupied. The proposal would remove two parking bays. Although the overall number of spaces would not be reduced, the proposal would result in the loss of the availability of these two parking bays for public use even when there is no vehicle parked on the driveway. The fact that potentially visitors to the two appeal properties could use the space in front of the dwellings even when there is a car parked on the driveways, does not make up for the loss of the two parking bays and the loss of flexibility for others to use these spaces.
10. The appellant points out that there are mitigating factors including a speed camera and warning sign, a central island, a pedestrian crossing point and road narrowing. However, although I accept that these measures would help to ensure that vehicles comply with the speed limits along this part of Prestwick Road, this would not adequately ameliorate the unacceptable highway safety harm I have identified above. I have taken account of the fact that the areas in front of these two properties have been continuously used for parking for some time and the available traffic accident data does not indicate that there have been any serious incidents in the vicinity of the appeal site. However, the fact that there may not have been any serious accidents up until now, does not mean that there would not be any accidents in the future, particularly given my finding that the proposal would result in an unacceptable impact on highway safety. As a result, these matters do not justify harmful development at the appeal site.

11. I have considered the other examples where properties in the vicinity have frontage parking served by a dropped kerb and cross-over which are similar to the arrangement proposed. However, given my finding that the proposal would result in an unacceptable impact on highway safety, the introduction of further dropped kerbs and cross-overs along this road would not be appropriate and in any event the existence of these other examples does not justify harmful development at the appeal site.
12. I have taken account of the fact that if the appeal is allowed the appellants would potentially purchase electric vehicles which would have a small but positive impact on carbon emissions and the proposal would result in a beneficial impact on the daily living conditions of the occupiers of the dwellings. However, these matters are clearly outweighed by the harm the proposal would have on highway safety. I have also taken account of the fact that neighbouring residents and a District and County Councillor are supportive of the proposal. However, that support does not justify a development that I find would have an unacceptable impact on highway safety.
13. I therefore conclude that the proposal would result in unacceptable harm to highway safety. As a result, the proposal would conflict with Policy CP10 of the Local Development Framework Core Strategy adopted 17 October 2011 and Policy DM13 and Appendix 5 of the Local Plan - Development Management Policies Local Development Document adopted in July 2013 which among other things seek to ensure that development provides adequate parking provision with safe and adequate means of access. Moreover, the proposal would be at odds with the National Planning Policy Framework which sets out that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.
14. The proposal would also be at odds with HCC's dropped kerbs policy which among other things sets out that if there is a designated marked bay at the proposed access point an application for a dropped kerb would be refused because it would result in the loss of designated parking for the public.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR