



Appeal Decision

Site visit made on 24 April 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2024

Appeal Ref: APP/Y1945/D/24/3338574

65 Bushey Mill Lane, Watford, Hertfordshire WD24 7QY

- 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 Mrs Afnan Hassan against the decision of Watford Borough Council.
 - The application Ref is 23/00896/FULH.
 - The development proposed is installation of a new dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on highway safety.

Reasons

3. The appeal property is located on the corner of Bushey Mill Lane and Northfield Gardens. It fronts Bushey Mill Lane, a 30-mph road with frequent vehicle movements. I saw that it already benefits from a dropped kerb, located on Northfield Road, which provides access to the area at the end of its rear garden furthest from the house. Northfield Road is residential. It also provides access to Parkgate Infants and Nursery School. It is one-way with parking on both sides, which encroaches onto the footways, and has a speed limit of 20-mph.
4. The proposed drop kerb would also be located on Northfield Road. Nonetheless, unlike the existing dropped kerb, it would be less than 10 metres from the junction with Bushey Mill Lane. This is so that it can provide access to parking within the frontage of the appeal property.
5. The Highway Authority's Residential Dropped Kerbs Policy advises that any proposed access must be at least 10 metres away from a road junction to avoid conflict between vehicles. It also explains that access points are limited to one per property as each access point is a potential point of conflict between people and cars. The appeal proposal would be contrary to both these criteria.
6. It has been put to me by the appellant that there would be space within the frontage of the appeal property for a vehicle to manoeuvre and exit the appeal site in a forward gear. However, there is no substantive evidence before me demonstrating this, and from my observations on site there did not appear to be enough space to conveniently turn a vehicle within the existing frontage. Furthermore, even if one vehicle could be turned within this space, the

submitted plans show parking for two vehicles. If this occurred, the vehicles would certainly need to be reversed onto the road.

7. It is unlikely that drivers entering Northfield Road would be anticipating a vehicle to be reversing against the flow of traffic. Although Northfield Road experiences less vehicle movements than Bushey Mill Lane, there would be an appreciable increase in the number of road users during the school run, which is acknowledged in the Design and Access Statement. This would include pedestrians and cyclists, some of which could be young children. An access in this location would therefore not only increase the risk of vehicles colliding but also significantly increase the risk of conflict with other road users. This would be the case despite there being good intervisibility between Northfield Road and Bushey Mill Lane and approaching vehicles reducing their speed.
8. Most of the houses on Northfield Road have access to off-street parking, and I appreciate, given the high frequency of vehicle movements on Bushey Mill Lane, why an access point from Northfield Road would be the appellant's preferred location. Nonetheless, the corner properties fronting Bushey Mill Lane, like the appeal property, have dropped kerbs providing access from Northfield Road to the end of their rear gardens. This arrangement allows for the dropped kerb to be more than 10 metres from the junction.
9. The exception to this is No. 63 Bushey Mill Lane, positioned on the corner opposite the appeal property, which has an additional dropped kerb on Northfield Road providing vehicle access to its frontage. This existing access is closer to the junction with Bushey Mill Lane than the current guidance would permit. While I understand that it has been in place for many years, and it has not been the cause of any injury accidents, it further exacerbates the risk of a collision. Its presence is not a justification for permitting something that I have found to be harmful, and based on the current highway arrangement and conditions, I can find no reason for setting aside the requirements of the Highway Authority's Residential Dropped Kerbs Policy.
10. I accept that the proposal may make access to No 65 more convenient for the current occupier and would reduce the distance from a car to the front door for any family members who have mobility problems. However, these personal circumstances do not justify introducing a feature that would increase the risk of conflict for the occupier and other road users in the vicinity of the junction.
11. For the reasons above, the proposal would significantly compromise highway safety. It would conflict with Strategic Policy ST11.1 of A Sustainable Town: Watford Local Plan 2021-2038, which seeks to ensure that new development respects the Transport User Hierarchy by, among other things, putting the needs of vulnerable road users above motor vehicle users. It would also be contrary to paragraph 115 of the Framework that seeks to ensure that development would not result in an unacceptable impact on highway safety.

Conclusion

Accordingly, with regards to the above, I find that the proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest INSPECTOR