



Appeal Decision

Site visit made on 29 January 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 February 2025

Appeal Ref: APP/B1930/D/24/3350362

208 Station Road, Harpenden, Hertfordshire, AL5 4UL

- 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 Marc Jones against the decision of St Albans City & District Council.
 - The application Ref is 5/24/0507.
 - The development proposed is the installation of a drop kerb for driveway and relocation of lamp post.
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Decision

1. The appeal is allowed and planning permission is granted for a drop kerb for driveway and relocation of lamp post at 208 Station Road, Harpenden, Hertfordshire, AL5 4UL in accordance with the terms of the application, Ref 5/24/0507, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Existing block plan, Proposed block plan, Means of Access ref. ST-3548-700A set out in Appendix D of the Technical Note prepared by Stomor, dated March 2024.

Main Issue

2. There is one main issue which is the effect of the proposed drop kerb and lamp post relocation on highway safety, including the safety of pedestrians and cyclists.

Reasons

3. The appeal site comprises a pre-war, semi-detached two storey dwelling which abuts the footway. To the side there is a driveway which, the evidence indicates, has been used for the parking of vehicles since at least 2010 and possibly longer. However, there is no drop kerb and a lamp post partly blocks the entrance.
4. It is clear from the evidence that in 2010 the pedestrian crossing close to the appeal site was already in place and that the lamp post referred to was also present. The driveway was narrow and the lamp post stood close to one side, adjacent to the wall between the appeal dwelling and No 206.
5. Station Road is a B class road with a 30 mph speed limit. There is a wide footpath in the vicinity of the appeal site and the area is mainly residential.

There are no parking restrictions to the south-east of the site, immediately beyond the pedestrian crossing zig-zag lines. To the north-west there are double yellow lines beyond the pedestrian crossing. The Highway Authority (HA) states that there have been no recorded injury accidents in a rolling 5-year period and that pedestrian flows are low but considered high risk.

6. Most dwellings on the same side of the street as the appeal dwelling have off-street parking with drop kerbs. Some drop kerbs are double width to serve two dwellings. None of the dwellings that I saw had turning space within the site. Several driveways, including at the semi-detached pair of the appeal dwelling and the neighbouring dwellings Nos 202-206, lie within the zig-zag lines either side of the pedestrian crossing.
7. In 2019 the appeal dwelling was extended and the Council, in its delegated report, referred to the driveway parking space at that time, concluding that the accessibility of the dwelling meant that the single off-street space would be adequate to serve the dwelling. The HA raised no objection to the application, noting that no changes were proposed to existing parking arrangements.
8. More recently, the driveway has been widened through the removal of the wall between it and the drive at No 206 and an exchange of land between the two dwellings. The enlarged space is some 2.75m wide and 4.8m long (0.2m short of the latest (2023) standard but, nevertheless, still sufficient to accommodate many vehicles without overhanging the footway). The Technical Note accompanying the application, prepared by Stomor and dated March 2024, demonstrates that adequate vehicular and pedestrian visibility could be obtained. This is acknowledged by the Council and the HA.
9. However, the lamp post now sits part way across the widened driveway, such that many modern cars cannot gain access and the turn for any vehicle has not been improved, making it difficult to enter or leave the site. Moreover, the lamp post is more vulnerable to being hit by a turning car than previously, when it was between the two driveways which are separated by a change in level.
10. I accept that the driveway at the appeal site does not meet all of the relevant standards and that its position, close to a pedestrian crossing would normally preclude allowing a new drop kerb. However, in this case the appeal site appears to be something of an anomaly. Moreover, a drop kerb and the re-location of the lamp post would, it appears to me, improve safe access/egress to/from the site by allowing the full width of the driveway to be utilised and removing an obstacle that is likely to distract drivers.
11. Any additional driveway could, in theory, increase highway risk but in this case, within a built up area and where vehicles manoeuvring into or out of similar driveways are commonplace, neither approaching vehicles, including cyclists, nor pedestrians would be taken unaware by a vehicle using the proposed verge crossing. Moreover, it would not be the closest driveway to the pedestrian crossing.
12. Taking all matters into consideration, including the similar driveways nearby, the historic use of the driveway, the lack of any associated accidents, the tacit acceptance of its use in 2019 by both the Council and the HA and the lack of any material change in circumstance since that time, other than the small increase in the parking space standard, I find that on balance the proposed

development would not amount to a material highway safety hazard and should be allowed.

13. It is concluded on the main issue that the proposed drop kerb and relocation of the lamp post would have no material effect on highway safety, including the safety of pedestrians and cyclists. In consequence, it would comply with Policy 34 of the City and District of St Albans District Local Plan Review, adopted 1994, and the National Planning Policy Framework (2024). Taken together, these expect a new access to protect road safety through adequate visibility, including provision for pedestrians and cyclists, to be acceptable in terms of road capacity and to have no material effect on the risk of accidents, especially to pedestrians and cyclists, such that a safe and suitable access is achieved.
14. Turning to conditions, I agree that in addition to the statutory commencement condition the development should be carried out in accordance with the approved plans in order to ensure certainty. However, as the drop kerb would be constructed using materials specified by the HA a condition requiring the materials to match the existing building would be neither necessary nor reasonable.
15. For the reasons set out above and having regard to all other matters raised, including the support of the immediate neighbour at No 206, I conclude that the appeal should be allowed.

KE Down
INSPECTOR