



## Appeal Decision

Site visit made on 28 September 2020

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 October 2020**

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### **Appeal Ref: APP/X1925/D/20/3253415**

### **154 Pixmore Way, Letchworth Garden City SG6 1QS**

- 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 Mrs Joanna Box against the decision of North Hertfordshire District Council.
  - The application Ref 20/00752/FPH, dated 1 April 2020, was refused by notice dated 27 May 2020.
  - The development proposed is described as "planning permission for a dropped kerb".
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### **Decision**

1. The appeal is allowed and planning permission is granted for a dropped kerb at 154 Pixmore Way, Letchworth Garden City, SG6 1QS in accordance with the terms of the application, Ref 20/00752/FPH, dated 1 April 2020, 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: 1:1,250 site location plan, driveway plan.

### **Procedural Matter**

2. The Council has submitted its emerging Local Plan for examination. The examination is ongoing, but the Council states that all objections to Policy T2 in the emerging Local Plan have been addressed, and the appellant has not disputed this. Substantial weight can therefore be given to that policy in the determination of this appeal.

### **Main Issue**

3. The main issue is the effect of the development proposed on highway safety and the road network.

### **Reasons**

4. The front garden of the appeal property has been paved, with space to park one car, although not for that car to turn within the site so it can leave and enter in forward gear.

5. Policy 5 of Hertfordshire's Local Transport Plan 2018 states that special circumstances must be demonstrated for new accesses onto primary and main distributor roads. Pixmore Way is identified as a secondary distributor road, and therefore Policy 5 does not apply, and special circumstances are not required in this instance.
6. Several other houses within the near vicinity of the appeal site have dropped kerbs allowing parking off the street, and very few of these have space within the curtilage to allow a vehicle to turn on site. No information has been submitted regarding whether planning permission was granted for these developments. However, their presence is a material consideration as the National Planning Policy Framework (the Framework) states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
7. The appeal property is one of four in a terrace, none of which have dropped kerbs onto Pixmore Way. There is a bus stop on the opposite side of the road and therefore vehicles cannot park across the road from the proposed dropped kerb. Pixmore Way is straight, and there are no trees or street furniture immediately adjacent to the site of the proposed dropped kerb that would limit visibility for vehicle or pedestrian traffic in the vicinity of the site. The dropped kerb would serve a single property, and there is only space within the appeal site to park a single car. Vehicle manoeuvres associated with the dropped kerb would accordingly be limited. No evidence has been provided to show that there is an existing risk to highway safety in the general vicinity, or that the appeal site would be particularly susceptible to highway safety issues if planning permission is granted.
8. The appeal proposal would not therefore have an unacceptable impact on highway safety, nor would it result in severe cumulative impacts on the road network. It would accord with the requirements of Policy T2 of the emerging North Hertfordshire Local Plan. Policy T2 requires, amongst other things, that parking be safe and of a design and layout that will function satisfactorily.

### **Conditions**

9. I have imposed the standard condition relating to the commencement of development, as well as one confirming the approved plans, for the sake of certainty.

### **Conclusion**

10. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR