



## Appeal Decision

Site visit made on 26 April 2019

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2019

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**Appeal Ref: APP/X1925/D/19/3222448**

**44 Mill Road, Royston SG8 7AE**

- 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 Mr Daniel Nicholas against the decision of North Hertfordshire District Council.
  - The application Ref 18/02681/FPH dated 7 October 2018 was refused by notice dated 20 November 2018.
  - The development proposed is kerb drop for access to concrete hardstanding.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. For clarity, I have omitted the extra wording from the description of the development on the application form.

### Main Issue

3. The main issue is the effect of the appeal proposal on highway safety for pedestrians and vehicle users.

### Reasons

4. 44 Mill Road is an end of terrace dwelling which is near to the T-junction with Stamford Avenue. It has an area of hardstanding next to the side wall of the dwelling with a gate leading to further space to the rear. Beyond the hardstanding, there is a row of garages with areas of hardstanding for properties that have rear access off Mill Road. Opposite the garages, there is restricted road parking. There are double yellow lines to both sides of Mill Road by the appeal proposal and the speed limit is 30mph.
5. The appeal proposal is to provide a crossover to access the area to the side and rear of the dwelling and would result in lowering a portion of the kerb at the front. However, visibility would be restricted by the side elevation wall of the appeal dwelling for both vehicles using the appeal proposal and users of the pavement.
6. The appeal proposal would be less than 15 metres from the highway junction of Mill Road and Stamford Avenue. The appellant has referred to the Hertfordshire County Council dropped kerb policy which allows for a distance of 10 metres rather than 15 metres in a cul de sac or a minor estate road provided that the Council considers it to be safe. The appellant accepts that Mill Road is neither a

cul de sac or a minor estate road but considers the lesser distance to be appropriate. However, having regard to the location and the visibility, I do not consider that the lesser distance of 10 metres is applicable in this instance.

7. The width of the area to the side of the dwelling at approximately 2.7 metres falls slightly short of the standards set out in the Hertfordshire County Council dropped kerb policy. Photographs supplied do show a vehicle filling the width to the area to the side. The lack of space for getting in and out of the car does not secure safe and suitable access arrangements. The appellant has indicated that the area to the side would only be used to access the wider space at the rear beyond the gates. However, even if the width of the area to the side was the only area of highway concern, there is no means to prevent parking at the side.
8. I therefore conclude that the appeal proposal would be detrimental to highway safety with particular regard to visibility, proximity to a junction and width of the side access. It would therefore not comply with Policy 57 of the North Hertfordshire District Local Plan No.2 with Alterations Originally Adopted April 1996 which, amongst other things, refers to road and footpath layouts creating safe routes for vehicular movements and providing safe pedestrian routes. It would also be contrary to the principles of the National Planning Policy Framework with regard to highway safety.

### **Other matters**

9. The appellant has referred to existing dropped kerbs in the vicinity of the appeal site although I have no details of the standards in place when any permissions were granted. He also considers that the presence of double yellow lines on the road outside the appeal site to be preferable in terms of manoeuvrability to the nearby garages and hardstanding which have restricted on-street parking behind them. However, the appeal proposal has to be considered on its own merits and location and other examples and locations do not alter my findings.
10. I note that new housing development is planned within the vicinity of the appeal site and the appellant considers that promoting parking on private property would reduce on street parking. However, the traffic impact from the new development is unknown and the issues that I have identified would still exist. Similarly, the appeal site having being accessed for parking for some time, or the suggestion of a traffic safety mirror do not alter my findings.
11. The appellant has referred to the proposed dropped kerb being used for residential use only with one car using it on average twice a day. However, the extent of the use could alter with a change of occupier of No 44 and is also likely to be dependent on personal circumstances.

### **Conclusion**

12. For the reasons set out and having regard to all the matters raised, I conclude that the appeal is dismissed.

*E Griffin*

INSPECTOR