

**Meeting:** Planning and Development  
Committee

**Agenda Item:** 7

**Date:** Tuesday 1<sup>st</sup> March 2016

## **INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS**

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### **1. APPEALS RECEIVED**

1.1 None.

### **2. DECISIONS AWAITED**

2.1 **15/00394/FP**, 18 Kennett Way. Appeal against refusal of planning permission for the erection of 1 no. dwelling.

### **3. DECISIONS RECEIVED**

3.1 **14/00511/FP**, 55 Leaves Spring. Appeal against refusal of planning permission for change of use of public amenity land to private residential land and erection of a garage.

#### **3.1.1 Issues**

The main issue is the effect of the proposed development on highway safety, particularly pedestrians and other road users.

#### **3.1.2 Conclusions**

The appeal site is situated within a housing estate with some generous plot sizes but minimal off-street parking or garage provision. At the time the Inspector visited, a high proportion of on-street spaces were occupied. The site is an extended area of grass and the proposed garage would be sited adjacent to an existing garage, but would be significantly larger and extend beyond the property boundary line, leaving a distance of approximately 3.4m between the garage and the back edge of the public footway.

Hertfordshire County Council's (HCC) guidance in Roads in Hertfordshire; Highway Design Guide 3<sup>rd</sup> Edition (HDG) advises a minimum of 6m from the garage frontage so as to avoid waiting vehicles from obstructing traffic or pedestrians. This distance can be reduced in certain circumstances but HCC advised a reduction would not apply to this case as the vehicle to be garaged would be longer than a standard car.

The Inspector disagreed with the appellants assertion that footway width should be included in the measurement of frontage. She acknowledged that the appellant is not intending to park vehicles on the frontage, but that intent cannot be guaranteed for the lifetime of the garage. Whilst the appellant is prepared to install a remotely activated

door, time delay in opening could still be a factor. In addition, the operation of such doors cannot be guaranteed in perpetuity. A delay in the opening of the garage door would cause a temporary obstruction to both the footway and carriageway. The Inspector also noted that vehicles park opposite the proposed garage which would reduce the space for turning and manoeuvring. As a result, the Inspector felt there would be some potential to cause obstruction to both the footway and traffic flow.

Whilst the Inspector accepted the appellants argument of lack of on-street parking, she was not convinced the proposal would free up two parking spaces as the van in question is not double the length of a standard car. Nor did she accept that this argument could justify a permanent change of use of the appeal site. Although the appellant stated other properties in the vicinity have garages with frontages less than recommendations, the Inspector did not have their planning histories and stated each appeal must be decided on its own merits.

The Inspector noted that parking is a concern on this estate, however, the reduced frontage would have an adverse impact on the continued safety of pedestrians and other road users which is not outweighed by the benefit of freeing up one on-street parking space.

Accordingly, she found the development conflicted with the National Planning Policy Framework (Section 4, Paragraph 35) and guidance cited by HCC, both of which aim to ensure conflict between traffic and pedestrians is minimised and development does not adversely affect the operation of the highway.

### 3.1.3 Decision

Appeal Dismissed (decision notice attached).