

A1040



# Appeal Decision

Site visit made on 05 March 2001

by Phillip Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

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Date

28 MAR 2001

**Appeal Ref: APP/C1950/A/00/1055526**

**55 High Road, Essendon**

- 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 Ms A Omatseone against the decision of Welwyn Hatfield District Council.
- The application (ref: S6/2000/605/FP), dated 29 February 2000, was refused by notice dated 28 July 2000.
- The development proposed is a drive.

**Summary of Decision: The appeal is dismissed.**

## Main issue

1. I consider that there is one main issue in this case. That is the effect of the proposal on highway safety and the free flow of traffic.

## Planning policy

2. No development plan policies have been drawn to my attention. I will therefore determine the appeal on its merits.
3. My attention has been drawn to a publication entitled "Roads in Hertfordshire", although nothing has been put forward to explain the status of this document. Nonetheless, although it is clearly not part of the development plan, it remains a material consideration.
4. In dealing with this appeal, I am guided by the advice in Planning Policy Guidance note 13 (PPG13), as amended, which deals with transport matters. PPG13 gives guidance on visibility standards, as I will discuss below.

## Reasons - the effect of the proposal on highway safety and the free flow of traffic

5. The appeal relates to a dwelling which is situated on the west side of High Road, Essendon. The road (the B158) is a secondary distributor road linking Hertford, Essendon and Brookmans Park. The road is subject to a 30 m.p.h. speed limit at this point, and there are footpaths on both sides of the road, although that to the west of the road is of limited width. The Council has given the peak traffic flow figures for the road.
6. The highway authority's standards, as set out in Roads in Hertfordshire, normally require a visibility distance of 90 metres in both directions, measured from a point 2.5 metres back from the highway. However, the Council has stated that this can be reduced to 60 metres



in this case due to the presence of a speed-reducing feature to the south of the site. Similarly, given the presence of the speed reducing feature and the speed limit, PPG13 seeks a visibility distance of 60 metres. The advice in PPG13 differs from the authority's standard only in that, for an access serving a single dwelling, the visibility is measured from a point 2.0 metres back from the highway. However, I do not consider that this is a significant difference between the two standards.

7. The visibility from the proposed access would be significantly limited in both directions due to the location of the site on the inside edge of a bend in the road, and because of the vegetation in front of adjoining properties. The highway authority has stated that the visibility at the proposed access point would be limited to 34 metres towards the south and 30 metres towards the north (from 2.5 metres back from the highway). These distances have not been disputed by the appellant.
8. I consider that the creation of a new access in such circumstances would lead to a potentially hazardous situation, as vehicles leaving the proposed access would have insufficient warning of the approach of oncoming vehicles from both directions. Similarly, oncoming vehicles would have limited warning of a vehicle leaving the property. Although it is not always practicable to comply fully with visibility standards, these should not be reduced to such a level that danger is likely to be caused. In this case, I consider that the substantial shortfall would lead to a hazardous situation.
9. In coming to this conclusion, I am conscious that the scheme includes sufficient turning space to allow vehicles to enter and exit in a forward gear. I have also considered the argument put forward by the appellant that the provision of a driveway would mean that residents and visitors would no longer have to park on the highway. Although these factors weigh in favour of the proposal, I do not consider that they outweigh the harm which would be caused by the proposal.
10. The appellant has referred to the other accesses within the village, particularly those at the adjoining properties, at which there is limited visibility but where there have been no recorded accidents. However, the Council has stated that these accesses are long established. In any event, I do not consider the presence of other access points justifies the creation of a further potentially hazardous access.
11. I am also aware that an application is being considered by the Council for the widening of the existing crossover at the adjoining property. However, this proposal, which is being recommended for approval by officers, relates to an alleged improvement of an existing crossover rather than the formation of a new access. It is therefore not directly comparable to the current proposal.
12. The appellant has also suggested that warning signs and traffic calming measures would be advantageous to highway safety. However, there is no suggestion that such measures are likely, and I have not accorded this suggestion any weight.
13. Overall, I do not consider that the proposal would provide an access to the appropriate standard and that it would harm highway safety and the free flow of traffic. I find that it would conflict with the Council's standards and the advice in PPG13.



**Other material considerations and conclusion**

14. I have noted the photograph submitted by the appellant, dated c.1900, showing the original property and its access. However, no evidence has been submitted as to the length of time this access may have remained, and in view of the period of time which has elapsed, I do consider that this photograph assists me in considering this appeal.
15. The Council has not objected to the proposal on the basis of the location of the premises within the Essendon Conservation Area. However, in reaching my decision I have had regard to the fact that Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The Conservation Area includes a number of driveways and it is clear to me that the current proposal would have no material effect on the Conservation Area, and therefore its character and appearance would be preserved.
16. The Council's questionnaire states that the appeal site lies within the Green Belt. However, Green Belt policy was not a reason for refusal, was not mentioned by either party, and no relevant SP or LP policies were put before me. I do not consider that the proposal would harm the openness of the Green Belt or conflict with any or the reasons for including land within it. Accordingly I do not find the proposal inappropriate in terms of Green Belt policy.
17. The only condition put forward by the Council is the statutory five year implementation period. I accordingly do not consider that conditions would avoid the harm caused by the proposal.
18. I have taken account of all the other matters raised, including the support from local residents for the proposal. However, I do not find this factor, or any of the other matters which have been raised, to be sufficient to outweigh the considerations which have led me to my decision.
19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

20. In exercise of the powers transferred to me, I dismiss the appeal.

**Information**

21. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



Inspector