

Appendix A Inspectors Comments



Appeal Decision

Inquiry held on 22 and 23 July 2008
Site visit made on 23 July 2008

by **Anthony Lyman** BSc(Hons) DipTP
MRTPI

an Inspector appointed by the Secretary of State
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Decision date:
21 August 2008

Appeal Ref: APP/P1940/A/07/2061282

253 Watford Road, Croxley Green, Hertfordshire, WD3 3RX

- 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 Refined Estates Developments Ltd against the decision of Three Rivers District Council.
- The application Ref 07/1487/FUL, dated 26 July 2007, was refused by notice dated 29 October 2007.
- The development proposed is 43 x one and two bedroom flats with basement car parking.

Decision

1. I dismiss the appeal.

Procedural matters

2. The above description of the proposed development is taken from the application form. The Council used the following description – "*planning permission for the demolition of existing car showroom and erection of 43, one and two bedroom apartments in 2, three/four storey blocks with basement car parking*". Both parties used this description in the Statement of Common Ground and proofs of evidence and it was agreed at the Inquiry to continue to use this description.
3. At the Inquiry, the appellants submitted a Deed of Planning Obligations by way of Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 (as amended). They undertook, if the appeal was allowed and development commenced, to make financial contributions relating to educational provision, the Fire and Rescue Service, libraries, youth and childcare facilities and sustainable transport. The Undertaking also committed the appellants to the provision of affordable housing within the scheme. The Council confirmed that the Undertaking satisfied their objections in relation to reasons for refusal 8 and 9 of the Decision Notice. The proof of evidence by Jacqueline Nixon dated 6 March 2008 was therefore withdrawn by the Council.
4. The Council also withdrew the sixth reason for refusal relating to the control of pollution. The Environment Agency had subsequently withdrawn its objections subject to the imposition of a number of conditions if the appeal was allowed.
5. Although the computer generated images of the proposed development showed full balconies to many of the upper floor windows, the appellants confirmed at the Inquiry that these had been included in error.

Highway safety

28. Watford Road (A412) is designated a Main Distributor Road in Hertfordshire County Council's hierarchy of roads. Evidence was presented that the road carries approximately 20,000 vehicles per day and that between 07.00 and 19.00 hours, an average of 1434 vehicles per hour use the road. The primary purpose of this class of road is to provide for the safe and expeditious movement of through traffic. The County Council document "Roads in Hertfordshire" states that *new accesses onto this class of road would not normally be allowed and that these restrictions will be rigorously applied*. Policy T7 of the TRLP restricts accesses to primary routes if local journeys would be generated, and if the access would compromise the safe movement and free flow of highway users, particularly pedestrians and cyclists.
29. The proposal involves the closure of the existing access to the car sales business and the creation of a new access closer to the western boundary of the site. The appellants' proposed access would be a dropped kerb. Cars and heavy goods vehicles would cross the footpath, on which pedestrians would continue to have priority, to gain access to the underground car park, the two disabled parking spaces or the turning area for service vehicles. The appellants argued that such an arrangement was in accordance with the Manual for Streets (MfS). However, the MfS primarily relates to streets in lightly-trafficked residential areas and although many of its key principles may be applicable to other types of streets, e.g. high streets and lightly trafficked lanes in rural areas, there is nothing to suggest that its design principles could be applied to a development of 43 dwellings with direct access onto a main road carrying 20,000 vehicles per day.
30. The appellants' argument in favour of the dropped kerb was partly based on the assertion that the flats would result in a substantial reduction in traffic movements compared to the present use of the appeal site and that as the current use was accessed by a dropped kerb, the same solution would be appropriate for the flats. However, the present access arrangement is historic and the appellants produced no direct evidence to substantiate this claim other than estimates based on the Trip Rate Information Computer System (TRICS) 2008(a) database for car showrooms. Analysis of the data in Appendix L of the appellants' highway consultant's proof of evidence however, shows that the comparison is not wholly realistic. The TRICS data is based on several main car dealerships which in my opinion would generate different traffic movements compared to a small second hand car business on a site of 0.2ha.
31. The County Council relaxed the policy of restricting new accesses on to this busy road, because of the presence of the existing crossing. However, they required the development to be served via a minor access road with a 4.8m carriageway, 1.8m footpath to one side and at least 1.0m margin on the side where there is no footway. Such an access would enable a vehicle entering the site to pass another exiting at the same time without having to wait in the path of traffic in Watford Road. The minor access road would enable traffic to flow much more freely on the main distributor road and would alert pedestrians to the possibility of crossing traffic. The appellants argued that the accident figures for the area did not justify an "over engineered" solution, and that dropped kerbs were used elsewhere on Watford Road. However, new developments should seek to enhance and improve arrangements for the

current and future demands from all road users, and not rely on historic access arrangements. The appellants conceded that the type of access required by the Council would use more land within the site and thereby reduce the number of dwellings which could be accommodated. This statement adds weight to my earlier argument that the proposal is an overdevelopment of the site.

32. Although the appellants argued that a large goods vehicle could enter and leave the site in first gear as required by the County Council, the swept path analysis diagrams supplied as part of their evidence clearly showed that this would only be achieved if the vehicle made use of the two disabled parking spaces to turn round. The appellants' highway witness acknowledged that if the disabled bays were in use the manoeuvre could not be achieved. I am not convinced as to the practicality of the appellants' suggestion that the management would ensure that the disabled spaces would be kept clear on such occasions. Paragraph 5.2.3 of the appellants' highway proof of evidence acknowledged that in reality, most service vehicles would park on Watford Road. This would be unsatisfactory because a parked vehicle would interrupt the free flow of traffic on the main distributor road and block the cycle lane, thereby forcing cyclists out into the heavy traffic. I note the appellants' argument that this arrangement exists elsewhere along Watford Road. However, a new development, especially one where service vehicles would potentially wait for longer periods, should not compound the problem.
33. The scheme provides for one parking space for each flat, although I have seen no written evidence that the car park would readily accommodate the required number once all of the foundation pillars for the buildings were taken into account. Irrespective of this, the appellants stated that the parking demand generated by the flats is likely to be for between 50 and 59 spaces and acknowledged that any short or long term visitors to the flats would have to park in the road. This would be an unacceptable situation in this busy location.
34. On this issue I conclude that the suggested access arrangement would be unsatisfactory and substandard for a development of this scale. Highway safety would be compromised by the development, contrary to policy T7 of the TRLP and the provisions of the Hertfordshire County Council's Guide for New Developments - "Roads in Hertfordshire".

Interested parties

35. The owner of land immediately adjoining the north east corner of the appeal site objected to the proposal because of the close proximity of the four storey element of Block 2 to her boundary and the dominant, overshadowing effect it would have. The objector's concern was that the appeal proposal, if allowed, would constrain the potential of her site for development. I viewed the objector's land on my site visit and I conclude that the appeal proposal would dominate and overshadow the objector's land, creating the possibility that the full development potential might be jeopardised.

Conclusion

36. I acknowledge that Government guidance and new regional policy advocates a radical, innovative approach to new housing developments and an increase in housing densities to satisfy current and future demands. However, the appeal proposal would clearly be an overdevelopment of the site and would have