

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972



## DACORUM BOROUGH COUNCIL

To

Jane Lovette  
99 Lawn Lane  
Hemel Hempstead  
Herts

..... Formation of access onto classified road, .....

.....

at ..... 99 Lawn Lane, Hemel Hempstead. ....

.....

Brief  
description  
and location  
of proposed  
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated ..... and received with sufficient particulars on ..... 6.3.89, ..... and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The steep gradient of the drive and inability to provide adequate visibility and sight lines for vehicles reversing out onto the road are likely to cause conditions prejudicial to highway safety.

Dated ..... 23 ..... day of ..... May ..... 1989

Signed.....

Chief Planning Officer

SEE NOTES OVERLEAF

P/D. 15

# NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.



# Planning Inspectorate

Department of the Environment

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Herts HP3 9HW

|                     |      |          |
|---------------------|------|----------|
| PLANNING DEPARTMENT |      | GTN 1374 |
| COUNCIL             |      |          |
| Ack.                | Adm. | File     |
| 6 APR 1990          |      |          |
| Date:               |      |          |

Your Reference:

Our Reference:

T/APP/A1910/A/89/143629/P5

Date: -5 APR 90

Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO:-4/0432/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal which is against the decision of the Dacorum Borough Council to refuse planning permission for the formation of a vehicular access, including a dropped kerb at 99 Lawn Lane, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site and its surroundings on 20 March 1990. I noted that an access driveway had already been constructed but, as the dropped kerb had not been installed, the proposed development had not been completed.

2. From my inspection of the site and its surroundings and the representations made, I consider that the main issue in your appeal is whether the access would create an unacceptable hazard to highway users.

3. The Council point out that the driveway does not meet the County Council's highway standards set out in "Residential Roads in Hertfordshire". It is steeper than the specification; it does not provide reversing site lines of 2.4m x 2.4m for driver/pedestrian visibility; a driver/driver sightline of 2.4m x 60m is only available if the wide footway is not occupied by parked vehicles. They point out that parking is permitted on the footway as far as No. 91, but is not encouraged beyond that to the junction with Crabtree Lane.

4. It seems to me that the advice of para 1.6.1 of the Highway Authority's standards is directed mainly at the development of new residential estates rather than the provision of new accesses in established residential areas. Here there is, in my view, a benefit to highway safety and the character of the street scene in facilitating off street parking, where this can be satisfactorily provided. I noted the steepness and somewhat uneven gradients of your existing driveway. However, I am not convinced that this, in itself would, even in bad weather, create a danger. It is however, in your interests to ensure that the use of the driveway does not cause damage to the footway or to vehicles and this may necessitate some regrading. I noted numerous scrape marks along this section of footway, but the cause of these was not clear to me. Although there are no driver/pedestrian splays at present, I see no reason why adequate visibility could not be made available, bearing in mind the gradient of the drive; this could be secured by means of a condition. Planning Policy Guidance 13 advises that, whilst a driver/driver visibility splay of 2.4m depth should normally be available, this may be reduced to 2m



in urban areas with a speed limit of 30 mph. From this distance, visibility of the edge of the nearside carriageway to the north is about 60m and of approaching vehicles about 70m. Visibility to the south is well over 150m. Provided the access is used with care, I do not consider that an undue danger to road users is likely to be created. I recognise that visibility could be obscured by vehicles parked on the footway and on the carriageway. However, there is a widespread prospect of the latter situation occurring and this factor is not, in my view, sufficient to reject your proposals. I note the reported accidents on this section of Lawn Lane. However, I do not consider that, used with proper care, your access would increase the risks. It is preferable in terms of highway safety, traffic flow and the appearance of the street scene, to parking on the footway or the carriageway in this location. As its use is likely to involve some maneuvering on the footway, I consider that the standard width of 4.5m for the kerb crossover should be provided and I intend to impose a condition requiring this.

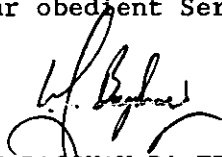
5. I have considered all the other points made in the written representations but I have found none of sufficient importance to alter the conclusions, which have led me to my decision.

6. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your appeal and grant planning permission for the construction of a vehicle access, including a crossover at 99 Lawn Lane, Hemel Hempstead in accordance with the terms of the application (No.4/0432/89), registered 6 March 1989, and the plans submitted therewith, subject to the following conditions:

1. the kerb crossover shall be constructed to a width of 4.5m and not as shown on the submitted plans.
2. arrangements for pedestrian/driver visibility to the rear of the footway shall be submitted to and approved by the local planning authority and subsequently constructed in accordance with the approved details.

7. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Madam  
Your obedient Servant

  
W J BAGSHAW DipTP FRTPI MIHT  
Inspector