

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Town Planning 4/0435/76

Ref. No.

Other

693/76D

Ref. No.

THE DISTRICT COUNCIL OF

DACORUM

IN THE COUNTY OF HERTFORD

To Mr. M. A. Free,
23 New Road Close,
Sands,
High Wycombe,
Bucks.

Vehicular access and drive

at 50 Kings Road, Berkhamsted, Herts.

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 19th April 1976 and received with sufficient particulars on 26th April 1976 and shown on the plan(s) accompanying such application.

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

Visibility at the junction of proposed access with the existing highway is extremely sub standard and the access would be detrimental to safety on the principal road A.416.

Dated 17th day of June 1976

Signed

Designation Director of Technical Services

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.



Department of the Environment

Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 342

PL file
693/76

M A Free Esq
23 New Road Close
Sands
HIGH WYCOMBE
Bucks

693/76

Your reference

Our reference

T/APP/5252/A/76/9497/G7

Date

30 MAR 1977

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0435/76

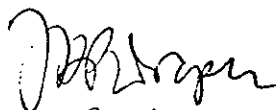
1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for the provision of vehicular access to 50 Kings Road, Berkhamsted, Hertfordshire. I have considered the written representations made by you and by the council and also those made by other interested persons. I inspected the site on 2 March 1977.
2. From my inspection of the site and its surroundings, and my consideration of the representations that have been made, I am of opinion that the determining issue in this case is whether the application under reference makes satisfactory provision for sight lines along Kings Road. This is the A416, a principal road linking Berkhamsted and Chesham.
3. Kings Road has a single 24 ft carriageway at the appeal site, and climbs at a gradient of roughly 1 in 30 from north-east to south-west, that is to say going from Berkhamsted towards Chesham. There is a footway on the side of the appeal site which is 3 ft 4 ins wide there and slightly less elsewhere. There is a 30 mph speed limit; this stretch of the road has street lighting, and no parking restrictions.
4. The appeal site as delineated on your application plan includes a tongue of land intended for vehicular access that tapers to a width of only 9 ft 9 ins at the inner edge of the Kings Road footway; the plan gives no indication of sight lines, but you have stated that a driver of a vehicle entering the road from the access can see clearly in both directions without the vehicle protruding into the road. I found at my inspection that from a point 7 ft back from the edge of the carriageway of Kings Road, and 3 ft 6 ins above that point (which is from where the typical driver of a typical car would be looking, when he had stopped his car just short of entering the carriageway) traffic approaching from the direction of Berkhamsted could be seen up to about 300 ft away, and from the other direction up to about 350 ft away. These distances decrease very rapidly as one moves back from the road.
5. The Government publishes a series of Development Control Policy Notes to give general guidance about planning matters to intending developers. No. 6, published in 1969, was about road safety and traffic requirements. Comparison of the sight lines I have quoted above with the guidance given there shows that the former might well be acceptable, even when allowance was made for the gradient of Kings Road, if you could show that they could be maintained after the development you propose was carried out.

6. But the maintenance of these sight lines is dependent upon factors which do not appear to be in your control. Neighbouring properties on each side of yours have grassed banks which rise steeply from the inner edge of the Kings Road footway to a height of 3 ft 6 ins in the case of No. 48 Kings Road, and 4 ft in the case of No. 52; and from the top of those banks close hedges rise a further 5 ft or so. These banks and hedges extend along the road frontages of these properties, except where steps are cut into the bank to provide pedestrian access to them. My inspection took place at the end of winter, and the grass on the banks was fairly short. It would have to grow only a little to obscure the view from your access of approaching traffic, and to reduce the sight lines very greatly; the nearer your access, the less the growth needed to secure this result. If the hedges grew straggly, the effect would be similar. Either effect would result in unacceptable danger to traffic in Kings Road. The risk would be much greater than that of parking a vehicle in the road, undesirable though that is.

7. You state that you have full support from neighbours, and "sight lines will not cause any problems". But this is not sufficient assurance; and in any case occupancies may change, as what has happened at No. 52 so unfortunately shows. You have asked me, should I find your present proposal unacceptable, to consider one on the lines suggested in the Hertfordshire County Council's letter of 9 December 1976. But that course is not open to me; the last 4 paragraphs of that letter showed the way ahead. I have considered all the other matters raised in the representations, but they do not outweigh the factors that have led to my decision.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir
Your obedient Servant



J H P DRAPER
Inspector