

Planning Inspectorate Appeal 5 Tring Road

Appeal reference: 3207998

Reasons for DMC refusal:

1. The existing junction and highway layout in the vicinity of the site and particularly the proposed access point is complicated with multiple existing junctions some with limited visibility for drivers and poor alignment with Tring Road, the proposed addition of an extra access point serving four new dwellings would be unacceptable leading to the creation of highway danger.

2. The length and width of access road to serve the proposed four new dwellings is not considered to be appropriate, with single passing place not sufficient to allow the safe passing of conflicting vehicles entering and leaving the site and is likely to result in vehicles reversing on to Tring Road to the detriment of highway safety. Furthermore access and particularly turning for refuse and other large commercial vehicles would be inadequate if cars were parked outside allocated spaces which is likely to result in large commercial vehicles reversing on to Tring Road to the detriment of highway safety.

3. By reason of the proposed number of units on the site and its location in existing back gardens, the proposal would significantly alter and therefore adversely affect the character of the site and surrounding area identified in Residential Character Area BCA19: Northchurch (2004) harm to visual and residential amenity. The proposal would be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

I, Lara Pringle, am the local ward councillor for Northchurch on Dacorum Borough Council. I am writing in support of the residents who are opposing this appeal. I supported the residents who opposed the proposed development leading to its refusal at DMC on all grounds of objection and continue to support the residents on all points regarding the appeal.

Local Knowledge

I have lived in Northchurch for almost 17 years. I use the Tring Road travelling in each direction nearly every day. I was a customer of the Kindergarten situated in Northchurch Cricket Club opposite the proposed development for a number of years. I have also used the cricket club car park on numerous occasions and walk my dog in the area around the junction.

I have visited local residents living on this junction as part of my duties and have frequently crossed both the Tring Road and Dudswell Lane at this junction. I have also taken photographs of the junction and made observations of the traffic movements and pedestrian movements over a period of approximately one hour with the egress of proposed development in mind. I am very familiar with this junction.

In addition to the residents who live adjacent to the proposed development and are opposing this appeal, in my work as a councillor I have spoken to a number of residents who live in the Dudswell Lane area. I can confirm that there is a high level of local concern about pedestrian safety and in particular children using the bus stops and crossing the road adjacent to the junction.

I am involved in supporting the local Go20 road safety campaigning group and presented a petition on their behalf to Hertfordshire County Council on 27 March 2018. This petition was signed by over 2000 people, which is a considerable amount for a village with approximately 2,500 households. It led to a motion being unanimously passed by HCC which cited as an area of specific road safety concern the stretch of the Tring Road onto which this proposed development

will egress directly. The minutes of this HCC meeting were submitted as part of the initial objection to this application. It should be noted that this petition followed a fatal road traffic accident involving a child pedestrian on Northchurch High Street in October 2017. The HCC councillor who proposed the motion included the entire stretch of road from Pea Lane to Billet Lane in the motion because it has long been recognised that there are concerns with road safety conditions for the entire stretch. This amounts to clear objective evidence that this stretch of road has long been an area of concern to local people independent of this proposed development.

Development Management Committee 24 May 2018

I supported the residents in opposing the application when it came before the DBC on 24 May 2018.

I have attached the following documents:

- The submissions I originally sent to DBC including with annexes of: -
- correspondence with Hertfordshire Highways officers
- HCC minutes of a meeting of 27 March 2018 showing a unanimously carried motion referring to the stretch of Tring Road onto which the development egresses
- I also attach the notes I used as the basis for my verbal submissions before the council which.

I can confirm that not a single member of DMC supported the application in any way.

Members voting against the application spoke passionately and in an animated terms on all of the issues that concerned the residents and supported them in their objections. Councillor Ritchie in particular, who is the ward councillor for the neighbouring ward of Berkhamsted West and who knows the junction very well, spoke about the junction being notoriously difficult and well known for excessive speed. This was attributed in a large part to the rural feel of the road coming from the Tring direction where the speed limit drops to 40 mph from the national speed limit at the entrance to Northchurch, before dropping to 30mph shortly before this junction.

I recently contacted each member who sat on the DMC on 24 May individually and can confirm that none of them has changed their position in the light of the Appeal submitted.

Councillor Ritchie additionally sent these comments to Mr Stickley the planning offer by email in September:

Martin

As we were asked to do on the evening, the reasons for refusal are correctly stated. In my mind, the main ones are the increased traffic on an existing multi-access to a main road, with the additional comment that, although there is a speed limit, that is frequently exceeded, as it comes from a 50mph zone and appears still to be rural.

Secondly, the access lane, with no passing or turning places would be a hazard for all vehicles but particularly commercial ones and the frequency of home deliveries, due to internet shopping, is a National reality.

I cannot recall if you have comments from the DBC refuse unit but they should be concerned about manoeuvring to reverse from this road and junction.

Regards

Tom Ritchie

This clearly confirms that road safety caused a high degree of concern in terms of the layout of the junction, the historic difficulties with the standard of driving this area and the inappropriate nature of the proposed development.

I have had sight of Mr Graham Kendall's notes giving details of what each DMC member submitted. I can confirm that these accurately reflect what was said.

I have read the residents' submissions opposing the appeal and can confirm that these are factually accurate in the accounts given of what was discussed at the DMC meeting on 24 May 2018.

Substance of the appeal: Highway Safety:

1. The existing junction and highway layout in the vicinity of the site and particularly the proposed access point is complicated with multiple existing junctions some with limited visibility for drivers and poor alignment with Tring Road, the proposed addition of an extra access point serving four new dwellings would be unacceptable leading to the creation of highway danger.

Please take the following into consideration:

1. The appellant's statement is inaccurate and incomplete on issues highly material to road safety to the extent that it cannot be considered reliable in the conclusions drawn on road safety.
2. The Highway's officers on whose opinions the appellant seeks to rely have not themselves visited the site or taken into account all relevant and reasonable factors in their assessments. This was noted by the DMC members who asked County Councillor Terry Douris, who was present at the hearing, to report the dissatisfaction of the DMC back to the Highways officers.

I have read the appeal statement written on behalf of Mr Brian Kelly. I have read residents' responses to the appeal from Graham Kendall, Catherine Hay, Michela Capozzi and Brian Eden. I can confirm that the residents' accounts of what occurred at the DMC on 24 May 2018 are accurate. I agree with and support all of the residents' objections and the facts on which they are based.

In contrast, the appeal statement is problematic in its conclusions regarding material points connected with road safety in that :

1. The author has provided **inaccurate information**:- he refers to Northchurch Recreation ground being opposite the site when it is in fact some distance along the road,. The entrance to Northchurch Cricket Club is directly opposite the site
2. The author has **omitted highly material information** from the appeal submissions in that he omits all reference to Home from Home Nursery which uses the cricket pavilions during the day, the single track entrance to which is directly opposite the site.
3. Many of the points made in the appeal document, as highlighted well by Michela Capozzi, do not appear to be based on any observational or data based evidence. Instead they amount to **inaccurate conjecture**.
4. Furthermore the conclusions reached through conjecture are at odds with evidence already given to the DMC based on my direct experience of traffic at the junction because of the use of Northchurch Cricket Club Pavilion as Home from Home children's nursery during the week. The appellant is already well aware of this evidence but has not referred to or addressed it in the report.

I would invite the Planning Inspectorate to consider the degree to which the report, being based on a combination of conjecture and inaccurate and incomplete information, must lead to doubts over the overall reliability of the appeal statement and its conclusions regarding road safety.

Inaccurate information:

The report is consistently inaccurate:- It refers to the proposed development as being opposite Northchurch Recreation Ground (paras 2.4.7; 6.2.3.3 on repeated occasions) yet no reference whatsoever is made to Northchurch Cricket Club, the entrance of which is in fact directly opposite the proposed development.

Northchurch Recreation Ground is a separate facility along the road towards the centre of Northchurch.

This is relevant because the Cricket Club, in common with other cricket clubs, has regular events, matches and training sessions which draw both unaccompanied child pedestrians on foot and vehicles the junction concerned. It is also the case that Home from Home nursery uses the pavilion during day times.

Incomplete Information:

The report is incomplete:-it completely omits the existence of the Children's Nursery, Home from Home which as been long established established in the cricket club pavilion.

My enquiries with the Home from Home staff confirm that 20 customers will use the nursery each day. Each will create 4 separate vehicle movements in and out of the single track car park at drop off and pick up. By the nature of the business these take place during peak times. This is in addition to the after school traffic created by collecting children from local infant classes after school.

The existence of the nursery using the single track entrance to the Cricket Club pavilion directly opposite the site was referred to on numerous occasions when the matter was considered by DMC. It was referred to in the initial objections registered by the public, in the documentation I submitted to the DMC and verbally during the submissions to the DMC.

Yet there is no reference to the nursery whatsoever in paragraph 2.4.7 in which the context of the site is described. Furthermore in paragraph 2.6.0 entitled *Local Services* the table at Fig 2.6.0 entitled *Summary of Local Services* all reference to Home from Home nursery directly opposite the site is omitted. In contrast the report includes a reference to Westfield Primary School & Nursery a distance of 1.2 KM from the site.

Mr Kelly is well aware of the existence of the Nursery at Home from Home as it is opposite the property in which he resides. He is well aware that the traffic using the Nursery was a material issue at the original DMC hearing and the supporting documentation as he was present in the DMC meeting when I made references to Home From Home Nursery.

Yet paragraph 6.2.3.3 of the appellant's statement continues to refer to Northchurch Recreation Ground rather than Northchurch Cricket Club Pavilion used as Home from Home Nursery during the day as being opposite the site.

The conclusions drawn at paragraph 6.2.3.3 that

'...none of these elements - either individually or cumulatively - are likely to generate a significant number of vehicular movements'

and later

'...Dudswell Lane does not provide a significant through route to neighbouring settlements or to any other destination likely to generate significant traffic movements, such that the junction with Tring Road is unlikely to be heavily queued, even during the am and pm peak times.'

can at the very highest be speculative conjecture. They are based on no observational or statistical evidence whatsoever. They should be disregarded on that basis alone.

However, the conclusion that the appellant seeks to encourage is founded on factually inaccurate information in that all existence of the Cricket Club and Home from Home Nursery is omitted.

The appellant is fully aware that the single track entrance just within Dudswell Lane leads to the Cricket Club car park which is used by both the cricket club and Home from Home Nursery as this was raised in full before DMC.

In my evidence to DMC I referred to my own experiences as a customer of Home from Home Nursery a few years ago. During peak drop off and pick up times, because of the oblique access to Dudswell Lane and the single track entrance to the Nursery/Cricket club, it is necessary to pause prior to turning to check for oncoming traffic. If oncoming traffic is approaching from the Nursery/Cricket Club, this means anyone in a family sized vehicle will be stopped with the rear offside of the vehicle protruding into the Tring Road. This is demonstrated in the photographs that I provided to DMC. It is often the case that a number of customers will attend at once, causing a queue on the Tring Road if traffic is also leaving the Nursery/Cricket Club. During the summer, cricket practice in the nets would have begun before the last pick up from the nursery. This would again create traffic from both cricketers and parents collecting children.

It is inaccurate to say that Dudswell Lane is unlikely to be queued even at peak times, given the single lane access to the Nursery/Cricket club directly opposite the site.

The omission of any reference whatsoever to such a material consideration as the presence of a cricket club and nursery down the single track entrance opposite the site calls into question the integrity of the report and its conclusions.

The omission of any reference to Home from Home nursery in the report suggests that Mr Kelly did not furnish the report writer with information that he knew was relevant and/or the report writer did not include relevant material in the report or did not visit the site or make full and proper enquiries into the local context before writing the report.

I would therefore urge the Planning Inspectorate to treat the report and its conclusions in respect of the issues road safety surrounding the complexity of the junction with due caution when considering DMC reason 1 for refusing permission.

The speculative conjecture surrounding the lack of queuing at Dudswell Junction contradicts my personal experience as a customer of Home to Home Nursery when I recall frequently having to wait at the oblique junction to check if traffic was emerging from the cricket club/nursery. I also recall waiting in Tring Road itself because another driver was waiting just within Dudswell Lane to turn into the cricket club/nursery.

Highways Assessment:

The Highways officers have not at any point visited the site and the entire assessment was a remote desktop exercise.

When I first became involved, it was clear to me that the Highways officers were unaware of the presence of the Nursery at Home from Home at the junction. I also drew to their attention the inaccuracy in the initial plans which showed a footpath continuing along the Tring Road in the Tring direction on the opposite side of the road from the site. I drew attention to the general lack of footpath on both sides of Tring Road, which combined with the oblique junction with Dudswell Lane on one side and a bus lay-by on the other, leads to quite a narrow corridor in which it is possible for children using the bus stops at Tring Road to cross. The Highways officers were also unaware that this stretch of the Tring Road was included in the motion passed without opposition by HCC on 27 March 2018 in response to the petition presented on behalf of the local community.

When I drew all of the material circumstances to the attention of Highways and requested that they reviewed their assessment the response was:

“..As regards road safety, regardless of the number of users, bus stops, lay-bys and junctions on this stretch of highway, only one incident involving injury has been recorded in the last 10 years in the vicinity of the site: opposite the bus stop facing number 7...”

It is unreasonable not to take into account the context/conditions on the ground:

I submitted to the DMC on 24 May that this statement by Highways officers effectively meant that they were refusing to consider that any conditions on the ground whatsoever were capable of having a material impact on safety of the highway. They were relying only on past accident statistics, refusing to take into consideration the full context of the junction. I submitted that it is so unreasonable to disregard the complicated context of the junction or the nature of the traffic flow at the junction as to be irrational.

The DMC councillors who have extensive experience of this junction agreed with me. They robustly expressed their dissatisfaction with the over all approach of the Highways officers and lack of visit to the junction and asked Cllr Douris to convey this feedback to Highways Officers.

It is unreasonable not to take into account ‘near miss’ or non serious injury accidents in the area:

I understand that significant incidents can occur which will not be reported to Highways as they do not involve serious injury. This means that Highways, whilst confining themselves purely to past accident statistics, automatically disregard all accidents which do not result in significant injury without considering whether this was a ‘near miss’ which could indicate a real risk.

I am personally aware of a near miss accident a short distance from the junction at the crossing to Northchurch Recreation ground (not the cricket club) which is a short distance along the road towards Northchurch. It demonstrates the sort a typical incident that can occur on this stretch of road.

On this occasion my husband had been standing in the road crossing toward the Recreation ground from High St South moments before the incident. He explained that he had been waiting for some time to cross in the central refuge as the traffic was very heavy (approximately 5pm on a Sunday in June). The visibility was clear and the weather was fine. He crossed the road and moments later heard a large bang. He looked around to see that a car travelling from the direction of Tring Road/Dudswell Lane had completely flattened the keep left signage on the pedestrian refuge. The damage to the vehicle was in the centre of the bonnet indicating it had significantly straddled the road.

My husband found the driver of the vehicle to be in shock although no one was injured physically.

The fact that the presence of a street sign in the pedestrian refuge was insufficient to stop this accident from occurring suggests that the presence of a pedestrian only a few seconds previously would also not have prevented this accident. Had my husband still been in the central refuge he would have been seriously injured.

This accident is consistent with the residents’ reported experiences along with that of the local councillors on DMC and my own experience that this stretch of road is hazardous and cannot support the proposed development.

Shortly after the accident I introduced myself to the police officer in attendance. I asked if the accident would be reported to Hertfordshire Highways. He said that other than to notify the need for replacement street furniture, this would no report would be submitted to Hertfordshire Highways.

This demonstrates that a ‘near miss’ fatality/serious injury will not be taken into account as part of Highways assessment of risk.

This does not appear to be a rational approach to assessment of risk. The Highways narrow approach in refusing to consider any evidence other than past events which have resulted in significant injury/fatality excludes consideration of near miss incidents. This perhaps goes some way to explaining the disconnect between the local residents' experiences of this stretch of road and the assessment of Highways.

It also explains the frustration of the local DMC members and their dissatisfaction with Highways stance on limiting themselves to desktop assessments which do not take account of all relevant traffic incidents, but appear to be limited to past data of serious road traffic accidents. It is irrational to exclude near miss accidents as a matter of policy just as it is irrational to exclude the conditions on the ground.

Photos of the scene immediately after the accident show the street furniture in the central pedestrian refuge completely destroyed. This is a short distance towards the centre of Northchurch from Birch Road so traffic conditions will be similar. The centre of the bumper is still tangled with the keep left sign showing the vehicle had straddled the central line.



Further information about traffic flow:

Since the matter was before DMC the residents have themselves undertaken monitoring of the speed of vehicles at the junction. This demonstrates the excessive speeds used often during the day time. This information has been summarised by Mr Graham Kendall. Photographs have also been submitted by Mr Brian Eden which show traffic parked in the lay-by and passing within



the lay-by. The complexity of the junction and the speeds demonstrated indicate that this is already a very challenging junction for elderly residents or school children crossing the road to use the bus stops. I have had personal experience of applying my brakes due to children running across to the bus stop because weight of traffic forces them to take a risk. To convert a driveway serving a single property into a cul-de-sac serving 5 properties would amount to circumstances where the cumulative impact of the development was severe.

Changes of circumstances that would strengthen the case against the development:

Since the DMC decision there have been changes of circumstances that would strengthen the case against the development.

Firstly, planning permission has been granted for the residence at 3 Tring Road to be rebuilt into a larger property. For the past 3 years I understand this property has been empty thus has not contributed to the daily use of the junction. This will change once the property is rebuilt and sold.

This will contribute to the additional complexity already anticipated when the telephone repeater station directly opposite the entrance to the development is brought into use as a storage facility.

Essentially there will be a situation where the analysis by Highways, based purely on past statistical information, becomes outdated because junctions directly opposite the development and directly adjacent to the junction which had for a number of years remained unused, will now be brought back into daily use. These are material changes which have not yet come to fruition, but which will have an impact on the use of an already complex junction.

It should be noted that there is a current application to amend the plans for adjacent 3 Tring Road to build a pair of 3 storey semi-detached houses. I will support residents who will be objecting to this development on road safety grounds due to the complexity of the junction and the fact that the driveway to number 3 is within the bus layby. The fact that this driveway is coming into use at all will add to the usage of the junction.

For this reason the Highways assessments should be treated with some skepticism in that they do not provide a complete picture of the risk. This is certainly the view that the DMC vociferously expressed.

Risk to vulnerable users

The most vulnerable users of this junction are the children who daily use the bus stops at the junction. Children from 3 or more schools as young as 11 need to cross the road here, often under pressure of time in poor lighting conditions.

My initial representations to the DMC demonstrated that children can only cross within a narrow area because footpaths are limited. It is not safe to cross from within the bus lay-by itself, whilst there it is only possible to cross safely directly onto the bus stop opposite the site due to lack of pavement. This means children must cross right at the point of egress from the proposed development. They already have to check Pea Lane, Lyme Avenue, Birch Road and Dudswell Road, including any traffic emerging from the cricket club before crossing. This is already dangerous and no further burden can reasonably be put on the children and elderly using the bus stops without creating significant risk.

I would urge the Planning Inspectorate on visiting the site to imagine they are a child who may be worried about missing their school bus trying to cross the road opposite the Dudswell Lane bus stop and having to check the traffic from all directions, whilst parents are simultaneously queuing to turn right into the Kindergarten and local residents are emerging from Birch Road, Dudswell Lane, Pea Lane, Lyme Avenue and the multiple use driveways opening into the bus lay-by and directly onto Tring Road. Then consider a truck delivering to the Telephone Repeater station directly opposite the proposed development and adjacent to the Kindergarten entrance. Imagine this on a grey December morning with the sun low in the sky and a children as young as 11 years old trying to check that it is safe to cross, with traffic, perhaps delivery drivers using Sat Nav, unfamiliar with the area approaching from the Tring direction, not recognising that they are coming into a residential area.

Under current circumstances this is already hazardous. If the plans for 4 additional houses behind the existent property and number 5 Tring Road would provide yet another egress to this complex junction.

2. The length and width of access road to serve the proposed four new dwellings is not considered to be appropriate, with single passing place not

sufficient to allow the safe passing of conflicting vehicles entering and leaving the site and is likely to result in vehicles reversing on to Tring Road to the detriment of highway safety. Furthermore access and particularly turning for refuse and other large commercial vehicles would be inadequate if cars were parked outside allocated spaces which is likely to result in large commercial vehicles reversing on to Tring Road to the detriment of highway safety.

The DMC meeting on 24 May 2018 was also concerned about the design of the egress from the 4 proposed properties. It was noted that the long single track entrance did not provide sufficient passing opportunities for vehicles travelling in opposite directions. There was a real risk of vehicles which had turned from Tring Road reversing into the main road if they found one or more vehicles oncoming leaving the junction.

DMC councillors were also concerned that the increasing prevalence of delivery drivers, supermarket deliveries would increase the likelihood of such difficulties at the junction.

DMC councillors were concerned about the ability of refuse vehicles and fire engines to access and manoeuvre in the space around the 4 proposed properties in the event that vehicles were parked outside the allocated parking bays. They noted the photographic evidence provided by residents of vehicles visiting the current property at 5 Tring Road over spilling onto the road and that the parking available for number 5 Tring Road would be further limited by the access to the proposed development. The parking behaviour evidenced suggests that the single passing place planned on the lengthy single track entrance to the property is likely to be misused as parking for the current property at number 5 Tring Road.

Whilst the appellant suggests that three parking spaces per property is more than required, the context of the proposed site is that there is no alternative parking whatsoever available over the allowance per property. This means that if one of the properties is for example entertaining it is highly likely that vehicles would be parked outside the allocated bays meaning it would be impossible for emergency vehicles to manoeuvre. The length and narrowness of the driveway with only one passing point some 20 metres from the road was felt to be inadequate as it would lead to an unacceptable risk of incoming vehicles reversing onto the main road in the event of oncoming vehicles approaching.

It is also suggested that the passing place might be used for additional car parking for number 5 increasing further the likelihood of vehicles reversing onto the main road.

3. By reason of the proposed number of units on the site and its location in existing back gardens, the proposal would significantly alter and therefore adversely affect the character of the site and surrounding area identified in Residential Character Area BCA19: Northchurch (2004) harm to visual and residential amenity. The proposal would be contrary to Policies CS11 and CS12 of the Dacorum Core Strategy 2013.

The DMC councillors felt the proposed density amounted to significant over development such that it would adversely affect the character of the area. This matter has been well covered in the residents' statements. I fully support the residents in opposing the appeal on this point.