
Appeal Decision

Site visit made on 14 November 2016

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th November 2016

Appeal Ref: APP/B5480/D/16/3159640

13 Hall Terrace, Colchester Road, Romford, Essex RM3 0XR

- 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 Mrs Joyce Stemp against the decision of the Council of the London Borough of Havering.
 - The application Ref P1682.15, dated 9 February 2016, was refused by notice dated 8 July 2016.
 - The development proposed is new drive with crossover and drop kerb.
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Decision

1. The appeal is allowed and planning permission is granted for a new drive with crossover and drop kerb at 13 Hall Terrace, Colchester Road, Romford, Essex RM3 0XR in accordance with the terms of the application, Ref P1682.15, dated 9 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plan 1605-PL01 'proposed new drive and crossover'.
 - 3) The development shall not be commenced until details of the method for undertaking any excavation works within the vicinity of the tree within the highway verge adjoining the access have been submitted to and approved in writing by the local planning authority. Any excavation works shall be undertaken in accordance with the approved details.

Procedural Matter

2. An amended drawing 1605-PL01, entitled 'proposed new drive and crossover', was submitted to the Council on 7 June 2016 and forms the basis of the Council's decision and I have only had regard to this drawing.

Main Issues

3. The main issues are the effect of the development on: the operation of the public highway and the adjoining bus stop; and a tree in the highway verge.
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Reasons

Operation of the public highway and the bus stop

4. The development would involve the formation of a vehicular access onto Colchester Road/the A12. The formation of the access would include the creation of a hard surfaced crossing within a grassed verge.
5. I recognise that the A12 is heavily trafficked and vehicles using it can be travelling at up to 50 mph and that the use of an access could interrupt the flow of traffic on this road. However, a significant number of the properties in Hall Terrace have accesses, with the most recent of these being at No 14, with planning permission for that access having been granted on 24 February 2016¹. The depth and width of No 13's front garden are comparable with those of what is now No 14's forecourt area. While the width of the forecourt that would be available at No 13 would be less than that that might normally be expected to enable vehicles to manoeuvre so that they could exit in a forward direction, any deficiency in this regard would be similar to that shared by No 14. Given the similarity of the circumstances that there would be between the access for No 13 and No 14's access I am not persuaded that the use of the former would have any greater impact on the safe or efficient operation of the A12.
6. The access' dropped kerb would be at the tapered western extremity of a bus lay-by with shelter. However, given the width of the bus lay-by and the location of the shelter I consider that there would be sufficient distance between the shelter and the dropped kerb for the latter not to interfere with the bus stop's operation. That is because the dropped kerb would be at some distance from the point where passengers enter or exit buses in the lay-by. In this respect the access serving No 14, given its siting, is likely to have greater implications for the bus stop's operation compared with the intended access.
7. I am also of the opinion that as the access would serve a single dwelling that the number of movements associated with its use would be limited and that the instances when buses would be using the lay-by at the same time that the access was in use would be rare. I therefore consider that the provision of the access would not unacceptably affect the operation of the bus stop.
8. For the reasons given above I conclude that the formation of the access would not adversely affect the operation of the highway or the bus stop. There would therefore be no conflict with Policy DC32 of the Havering Core Strategy and Development Control Policies Development Plan Document of 2008 (the DPD) because there would be no adverse impact on the functioning of the highway network.

Tree in the verge

9. The tree outside No 13 is an Ash and is one of a row of trees in the verge outside Nos 1 to 21. No details have been submitted demonstrating how the excavation works associated with the access' formation would be undertaken. However, the appellant has indicated that such works would be undertaken without the use of machinery, ie any digging would be undertaken manually, as was the case when No 14's access was formed. Hand dug

¹ Under application reference P0031.16

excavations should ensure that the tree's roots would be safeguarded and this is a matter that could be secured through the imposition of a planning condition.

10. I therefore conclude that the development need not cause harm to the tree in the highway verge and as such there would be no conflict with Policies DC60 and DC61 of the DPD, in that there would be no loss of a tree.

Conditions

11. Apart from the standard time limit condition, I find it necessary that the development should be built to accord with the application drawing for certainty. In order to safeguard the tree in the verge it is necessary that details of the methodology for undertaking excavations works within its vicinity should be submitted to the Council for approval. I have therefore imposed a condition to that effect.

Conclusion

12. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR