
Appeal Decision

Site visit made on 22 November 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/V1505/W/16/3154530

2 Barnard Close, Vange, Basildon Essex SS16 4SH

- 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 Mr Matthew Gilbert against the decision of Basildon District Council.
 - The application Ref 16/00192/FUL, dated 25 February 2016, was refused by notice dated 17 June 2016.
 - The development proposed is the change of use of public footpath and grassland to form crossover to highway.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effect of the proposal on (a) the highway safety of pedestrians using a footpath and (b) the character and appearance of the area.

Reasons

Highway safety

3. The appeal site comprises a semi-detached dwelling which has no direct vehicular access other than across a pedestrian footway from Barnard Close. This pedestrian footway links Barnard Close with Glenmere, a neighbouring residential street. The original estate was mainly built with vehicle parking provision in the form of several garage courts. Over time, a number of properties have had vehicle crossovers created to enable frontage parking as has been achieved at 4 Barnard Close.
 4. The proposal would entail the change of use of the public footway link and adjoining grass verge in front of the appeal property and the neighbouring semi-detached dwelling up to the road at Barnard Close. This would allow the appellant to park vehicles within the frontage of the appeal property. The footway involved would not be excessive in length and vehicles would be likely to be travelling slowly along it.
 5. However, there will be likely to be children, children's buggies, mobility scooters, elderly people and other pedestrians using this footway. The new vehicular access way would be wider than that of the normal car but any vehicle would still have to turn in/out of the access way. Turning within the
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site may be possible so as to enable vehicles to drive out in forward gear. However, there would be no guarantee of this occurring as it may be simpler for a driver to reverse out onto the new access way and Barnard Close, if there are other parked cars on the plot. Whilst I have noted some hard standing in front of the appeal dwelling, there are no details of how vehicles could turn satisfactorily and conveniently to avoid this possibility. Furthermore, there are no details of the pedestrian visibility splays that could be achieved at the entrance into the plot of No 2 so as to ascertain risk to highway safety. For these reasons, I am not persuaded that drivers would be able to see pedestrians and can only conclude that the impact on the highway safety of pedestrians would be severe. Such a view is supported by the highway authority's objection to the proposal.

6. It has been pointed out that other areas have similar arrangements. Lodge Avenue in Thurrock and No 1 Moss Drive have been drawn to my attention. However, these sites are in a different location to the appeal site and it is rare that any other situation is alike. Furthermore, I do not have the full details of the circumstances that led to these proposals being permitted, if indeed they have, and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, each application and appeal must be determined on its individual planning merits.
7. Within the footway link area, a speed bump and a tidier pavement area have been suggested to overcome the concerns of the Council on highway safety. However, the lack of detail and detailed explanation of how this would allay highway safety issues limits the benefits of such measures. In any case, the harm on highway safety would be severe for the reasons indicated. Accordingly, the proposal would be contrary to Policy BAS BE12 of the Basildon District Local Plan (LP) Saved Policies 2007 which amongst other matters, states that new residential development will be refused planning permission if it causes traffic danger.

Character and appearance

8. The proposal would result in the removal of a frontage hedge to achieve visibility. Although the extent of this is unspecified, the proximity to the footway would suggest a significant stretch of it. The surrounding area is varied in terms of frontage boundary treatments. Further planting could be secured behind any required visibility splay. Although this would take time to establish, such an approach would be appropriate given the context of the area. There would be some additional hard surfacing of the verge adjacent to the footway but the area of this is small, to the extent its loss would not be significant within the context of the estate's character. Accordingly, the proposal would comply with Policy BAS BE12 of the LP which, amongst other matters, requires new residential development should refused planning permission if material harm results in the character of the surrounding area.

Other matters

9. The existing dwelling has no car parking provision and the proposal would negate the need to park on-street. Whilst the proposal would free up spaces on the neighbouring streets, there is no detailed evidence of severe problems of parking in the area. Reference has been made to the vandalism of vehicles in the area but there is similarly no evidence of this being a significant issue. The ability to be to park your own vehicles within your property is clearly

desirable but an essential requirement has not been demonstrated here. Cumulatively and individually, these considerations would not override the harm that I have found with the proposal.

Conclusion

10. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR