

Appeal Decision

Site visit made on 31 January 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/W5780/W/16/3153848

Beech Oak Court, 156 Snakes Lane East, Woodford, Essex IG8 7JD

- 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 Alan Pugh against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0980/16, dated 21 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is 'Extend existing dropped kerb from 8.2LM to 14LM. Total extension 5.8LM.'
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Decision

1. The appeal is allowed and planning permission is granted to extend existing dropped kerb from 8.2LM to 14LM. Total extension 5.8LM at Beech Oak Court, 156 Snakes Lane East, Woodford, Essex IG8 7JD in accordance with the terms of the application, Ref 0980/16, dated 21 March 2016, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13/5973 Rev B drg no 101; 13/5973 Rev A drg no 14 and 'proposed layout'.

Main Issue

2. The main issue is the effect of the proposal on highway safety and convenience.

Reasons

3. The appeal property is a block of flats located at the junction of Snakes Lane East and Ray Lodge Road. Seven parking spaces are located immediately behind the Snakes Lane East footpath, although the dropped kerb only extends in front of two of these spaces. Planning permission was granted for the development on appeal¹ in 2009 and the main issue considered by the Inspector was the whether the proposed parking arrangements would be harmful to highway safety. Whilst the approved ground floor plan (ref 3/5335 Rev C drawing number 50) submitted with the appellant's evidence does not show a dropped kerb on the Snakes Lane East frontage, it does show six parking spaces in the same location as the seven current spaces. Moreover, the decision letter is clear in referring to the creation of a continuous footpath crossing some 14m in length along this frontage.

¹ Appeal ref: APP/W5780/A/09/2098043, application ref: 2769/07

4. There is nothing to suggest that there have been any material physical changes to the road layout in the vicinity of the appeal site since the 2009 decision was issued or that the volume of traffic in the area has altered. Manual for Streets remains a relevant source of guidance on highway matters and the development plan policies cited in the reason for refusal were in force at the time of the earlier decision. Whilst the National Planning Policy Framework has been published subsequently, there is nothing to suggest that its provisions were determinative in the Council's decision on the current proposal.
5. It is apparent from the decision letter that the Inspector in the 2009 appeal was presented with more technical evidence than has been provided in this appeal. The Inspector took into account the proximity of the Ray Lodge Road/Greenstead Avenue junction, the sightlines available from the proposed spaces having regard to the advice in Manual for Streets, traffic accident data and the interaction between pedestrians and vehicles crossing the footpath. He reached the view that the proposed parking arrangements would be acceptable. I saw nothing on the site visit which would lead me to a different conclusion.
6. Apart from the additional of one space, the parking arrangements now in operation are similar to those allowed in the previous appeal. Whilst I have not been made aware how long they have operated, there is no evidence to show that they have led to highway safety or convenience concerns. Nor has the Council produced substantive technical evidence in support of its position. Although vehicles cannot enter and leave the parking spaces in forward gear, that was the arrangement considered by the previous Inspector and that situation would exist regardless of the outcome of this appeal. The provision of a dropped kerb would avoid the need for vehicles to mount the existing kerb. If anything, this would result in more controlled manoeuvres into and out of the site. Whilst the increase from the six spaces considered by the previous Inspector to the seven now laid out would result in slightly more movements into and out of the site, I am not persuaded that, of itself, this change would lead to additional harm.
7. Consequently, I find that the proposal would not have a harmful effect on highway safety or convenience. As such, it would accord with Policy BD1 of the Council's Borough Wide Primary Policies 2008 (PP) and Policy SP3 of its Core Strategy 2008. Together, these policies require development to provide safe environments which meet the needs of all. The reason for refusal also cites PP Policy T5. This policy deals with car parking standards. However, there is nothing to suggest that the number of spaces proposed would not meet the required standards.

Conditions

8. The Council has suggested a time limit condition and one requiring the development to be carried out in accordance with the approved plans. I consider that both conditions meet the tests set out in the Planning Practice Guidance. A condition specifying the approved plans is necessary in the interests of certainty.

Conclusion

9. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR