



Appeal Decision

Site visit made on 20 February 2017

by Graham Chamberlain BA MSc MRTPI

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

Decision date: 24th February 2017

Appeal Ref: APP/H1515/D/16/3167605

125 Brentwood Road, Herongate, Brentwood CM13 3PB

- 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 Mano Doraiswami against the decision of Brentwood Borough Council.
 - The application Ref 16/00908/FUL, dated 24 June 2016, was refused by notice dated 3 October 2016.
 - The development proposed is the creation of a new vehicular crossover to Brentwood Road frontage.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a new vehicular crossover to Brentwood Road at 125 Brentwood Road, Herongate, Brentwood CM13 3PB, in accordance with the terms of the application, Ref: 16/00908/FUL, dated 24 June 2016, subject to the following conditions.
 1. The hereby approved access shall not be used until it has been constructed in complete accordance drawing 617852/SK02 including the provision of the visibility splays and an off-street parking and manoeuvring area. The development shall thereafter be retained in this approved form.
 2. No shrubs, trees or other vegetation shall be allowed to grow above 0.6m in height within the visibility splays shown on drawing 617852/SK02.
 3. The parking and manoeuvring area shown on drawing 617852/SK02 shall be kept available at all times for the ancillary parking and manoeuvring of motor vehicles in connection with the occupation of 125 Brentwood Road.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

3. The appeal site has a frontage onto the busy A128 which is a main distributor road. It is located approximately 50m south of Thorndon Approach and broadly opposite Cricketers Lane. Along the southern boundary of the appeal site is Brentwood Road - a small cul-de-sac with an access directly onto the A128 with restricted visibility to the right. Traffic along the A128 is restricted to 30mph. An interactive real-time 30mph speed sign is located opposite the appeal site.
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4. The appeal site encompasses a single residential property which was originally served solely by the vehicular access from Thorndon Approach. The appeal scheme is to retain the second access to the front of the property from the A128 and a parking and manoeuvring area in the front garden. During my site visit I observed that the proposed access has already been broadly constructed. The occupation of the appeal property is unlikely to result in high levels of vehicle movements and the manoeuvring area in the front garden would enable vehicles to enter and exit the site in a forward gear.
5. Many of the residential properties in the vicinity of the appeal site have vehicular accesses onto the A128. A number of these properties, as evidenced in the appellant's personal statement appended to his statement of case, do not have sufficient space to enable vehicles to exit in a forward gear. As such, it is likely to be a common place occurrence that vehicles reverse from private driveways onto the A128. The available data suggests that this has not resulted in any accidents. Some of these existing access points may be longstanding but this only reinforces the point that they have been operating for some time without any recorded incidents.
6. The lack of accident data is a notable indication that vehicular accesses onto the A128 in the vicinity of the appeal site can operate safely. However, such data alone is not determinative as an individual access may be unsafe due to its position or design. In this respect, a matter of particular significance in this instance is that the proposed access would be safer than the others nearby, including the Brentwood Road cul-de-sac access to the immediate south, as vehicles would be emerging in a forward gear with good visibility in each direction.
7. If the roadside hedge along the site frontage is trimmed back, satisfactory visibility splays of 2m x 43m which would be in accordance with Manual for Streets 2 (MfS2), can be provided. The appellant has shown visibility splays of 2m x 45m to account for the 85th percentile speeds recorded¹ along the A128. In practice, due to the straight alignment of the road sight lines could be in the region of 90m. This would provide ample opportunity for motorists approaching or leaving the proposed access to see and respond to one another. Consequently, the adequate visibility along the A128 and at the proposed access, along with the ability to exit the appeal site in a forward gear, would ensure the use of the access would not prejudice the safety of motorists using the A128.
8. Concerns have been raised that the proposed access would result in driver confusion and conflict as vehicles exit Cricketers Lane and the Brentwood Road cul-de-sac to the south of the appeal site. However, these access points are unlikely to be used intensively and motorists emerging from them would be able to see cars exiting the appeal site or slowing to turn into it. In my view, this would not result in an undue level of confusion or risk.
9. The Council have not questioned the effectiveness of the proposed visibility splays save for the application of a 2m 'X' set back distance from the road edge, being concerned this could result in a car protruding across the pavement and slightly into the carriageway. However, this is a standard based on MfS2 when vehicle speeds are low and the road lightly traffic. The road does not appear to be lightly traffic but vehicle speeds are low. A 2.4m set back would require more of the frontage hedge to be removed with some adverse impacts on visual amenity. On

¹ By K & M Traffic surveys referred to by MLM Consulting Engineers Ltd. The Council has not suggested there are errors in the data or the methods employed to collect it.

balance, the slow vehicle speeds and the provision of 1m pedestrian visibility splays justifies a 2m set back in this instance.

10. Substantive evidence has not been presented that demonstrates the presence of street furniture in the visibility splays would justify withholding planning permission and I am satisfied vehicle movements around the bus stop would be visible from the proposed access, being within the 45m visibility splay.
11. The Local Highway Authority (LHA) is concerned that an additional access point onto the A128 would inherently prejudice the roads function as a main distributor road, which is to carry traffic freely and safely. The LHA refer to the Local Transport Plan 2006-2011, which seeks to protect the function of main distributors within defined settlement areas by ensuring the number of access points is minimised. The LHA have also suggested the proposed access is unnecessary as there is already one from Thorndon Approach.
12. Nevertheless, there is nothing before me to suggest there is a planning presumption against a property having two access points and it is unclear whether the policies in the Transport Plan are consistent with MfS and MfS2. Nor have I seen any evidence that there is a proliferation of harmful vehicular access points in this section of the A128, which the appeal scheme could compound. In my view, the issue to be considered is whether the additional access would be safe and for the reasons given above I have found that it would be. Additionally, the low frequency and ease of vehicle movements that would be associated with the proposed access is unlikely to severely prejudice the free flow of traffic.
13. Reference has been made to planned development in the area that is likely to increase the use of the A128. However, any additional traffic is unlikely to alter the speed limit or the good standard of visibility along the A128 in the vicinity of the appeal site. Consequently, this is not a matter weighing against the appeal scheme. Likewise, I have considered the Feasibility Report HI4339, which includes a road safety audit of the Billericay Road and A128 junction, but as this relates to a curved section of the A128 some distance to the south of the appeal site the findings of this report are not a determinative matter against the appeal scheme.
14. In conclusion, the appeal scheme would not harm highway safety and would not undermine the aims of Policy T2 of the Brentwood Replacement Local Plan 2005, which seeks to prevent unacceptable detrimental impacts on the transport system. This aim is partially consistent with the National Planning Policy Framework, which in the third bullet point of Paragraph 32 states that development should only be prevented on transport grounds if the residual impact would be severe. Moreover, as the access would be safe and suitable it would also adhere to the second bullet point in Paragraph 32.

Conditions and Conclusion

15. As the development has already begun it is unnecessary to impose a commencement condition. However, in the interests of highway safety it is necessary to ensure the access is not used until it is set out and retained in accordance with the approved drawings, including the visibility splays and parking.
16. For the reasons given above I conclude the appeal should be allowed as it is consistent with the aims of local and national planning policy as a whole.

Graham Chamberlain, INSPECTOR