

Appeal Decision

Site visit made on 18 April 2017

by Les Greenwood MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/M1595/D/17/3169728

68 River View, Chadwell St Mary RM16 4BD

- 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 Andrew Newton against the decision of Thurrock Borough Council.
 - The application Ref 16/01226/HHA was refused by notice dated 25 November 2016.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Clarification

2. The description of development given on the application form is much longer than that stated in the above heading, covering matters which are not part of the development such as the site address and a justification for the proposal. I have extracted the key part of the description for this decision.

Main issue

3. The main issue is the effect of the proposal on the safety of public highway users.

Reasons

4. River View is a well-used urban route through this mixed commercial and residential area. It is subject to a 30mph speed limit and traffic calming measures are in place. Many of the houses and businesses here have direct access to River View. No 68 is a semi-detached house with a wide street frontage that is currently laid out to provide access and parking for about 3 vehicles, although there is no dropped kerb. This is apparently a temporary measure put in place to serve construction traffic during work to the house. The proposal is to provide a 1.6m wide access with a dropped kerb and footway crossing.
 5. The Council is firstly concerned that the proposed access would be within the controlled zone for a nearby zebra crossing and would therefore be harmful to pedestrian safety and highways movements and safety. No specific advice or policy restricting such accesses has been brought to my attention, however.
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I note that there are other examples of crossings in such situations locally, including the access to a nearby civic hall and leisure centre. The presence of a raised zebra crossing here should slow traffic, which cannot overtake within the controlled zone. Good visibility could be provided from the proposed access to both the footway and the carriageway. I find no objection to the principle of creating a dropped kerb access here.

6. I do, however, share the Council's concern about the proposed width of the access, which would not be nearly enough to accommodate smooth vehicular manoeuvring onto and off of the carriageway. A dangerous situation would therefore be created. I have considered whether a condition could be imposed in order to rectify this fault, but no detailed wording for such a condition has been proposed, no plans submitted, visibility splays detailed or specifications produced. I find that the inadequate detail of the proposal cannot be addressed by condition within the context of this householder appeal.
7. I am sympathetic to the appellant's wish to retain some on-site parking for his family here, in order to reduce the need to bring small children across busy roads. I nevertheless conclude that the proposal as submitted would unacceptably prejudice the safety of public highway users, including drivers, cyclists and pedestrians. It therefore conflicts with the highway safety aims of Thurrock Core Strategy and Policies for Management of Development Focused Review 2015 Policies PMD2 and PMD9 and the National Planning Policy Framework.
8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR