

Appeal Decision

Site visit made on 26 September 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 10 October 2017

Appeal Ref: APP/W1525/D/17/3179043

28 Inchbonnie Road, South Woodham Ferrers, Chelmsford CM3 5FG

- 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 Kim Woodford against the decision of Chelmsford City Council.
 - The application Ref 17/00203/FUL, dated 23 January 2017, was refused by notice dated 5 April 2017.
 - The development proposed is described as 'dropped kerb from Inchbonnie Road to create parking access to the front of our property'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on highway safety.

Reasons

3. The appeal property is a two storey dwelling located within the urban area of South Woodham Ferrers. Vehicular and pedestrian access is via a shared driveway to a communal parking area, which No 28 and neighbouring properties face onto. The proposal involves removing part of a brick boundary wall on the Inchbonnie Road frontage to create a new vehicular access with space to park two cars to the side of No 28 that faces the main road.
 4. The Council indicates that Inchbonnie Road is classified as a Secondary Distributor Route, which due to the original estate design layout principles has side road connections and a limited number of vehicular access points that lead to shared parking court areas. I observed these during the site inspection and also that there are no examples within this part of the road of dropped kerb vehicular accesses serving individual properties.
 5. As I also observed, Inchbonnie Road appears to be a busy road and it is possible to park on both sides of the road in the vicinity of No 28. The nearby junction to Baron Road appears to be well-used, particularly as it provides access to a relatively large public car park serving retail and commercial premises on the opposite side of Inchbonnie Road.
-

6. The size of the proposed parking area would require vehicles to exit in reverse gear or alternatively reverse onto the forecourt from the road. In the circumstances described, with the volume of traffic using Inchbonnie Road, parked cars close to the proposed access point, and regular movements in and out of the Baron Road junction, there is substantive potential for conflict between these existing movements and vehicles using the proposed parking area.
7. I note in this regard the Council's contention that the design of the estate parking areas with a limited number of shared access points is intended to reduce conflict and interference with the passage of through vehicles on the main road. Based on my own observations I give this contention considerable weight. I accept also that approval of this proposal could create a precedent for similar proposals to nearby properties; although I see no basis for finding that it would result in parking on the crossover or footway.
8. While the appellant contends that there are no recorded accidents on this stretch of road, this relates to current circumstances where vehicles use a shared access from which they are able to enter and exit in forward gear. This would not be the case with the proposed access which, for the reasons given, would increase the risk of such accidents. While I note the suggestion that a condition could be imposed to change the configuration of the parking area to enable turning, I am required to determine the appeal on the basis of the proposal before me, which does not involve considering material changes such as this.
9. I have also had regard to the appellant's personal circumstances and acknowledge that being able to park two vehicles on the property's forecourt is likely to provide easier access to No 28, given that only one dedicated parking space is currently available. While I give this matter some weight it cannot overcome the harm with regard to highway safety that would result from the proposed use of the parking area.
10. Therefore, for all the above reasons, I conclude that the proposal would have an unacceptably harmful effect on highway safety. I acknowledge, as the appellant asserts, that no reference is made to specific development plan policies, despite the general reference in the Council's decision notice to failure to comply with the adopted development plan. Nonetheless, highway safety has been raised by the Council as a material consideration on which its decision to refuse permission is based. Accordingly, the lack of reference to specific policies does not change the findings or overall conclusion in this case.
11. I acknowledge the support for the proposal from nearby residents but this does not alter the overall findings in this case.
12. For the reasons given I conclude that the appeal should not succeed.

J Bell-Williamson

INSPECTOR