



Appeal Decision

Site visit made on 21 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/J1535/W/19/3233090

11 Marconi Bungalows, High Road, North Weald Bassett, Epping, CM16 6EQ

- 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 Nicola Goss against the decision of Epping Forest District Council.
 - The application Ref EPF/0983/19, dated 11 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is a vehicular access to the front of the property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of the proposed development has been taken from the Council's decision notice, which is more succinct than that provided on the application form but remains an accurate representation of the proposal.
4. The Council has referred to Policy T1 of the Epping Forest District Local Plan Submission Version 2017 (the Emerging Local Plan). However, whilst this has undergone independent examination, until it has been found to be sound, the policies therein could be subject to change. Therefore, having regard to Paragraph 48 of the National Planning Policy Framework, the policies of the emerging Local Plan carry limited weight.

Main Issue

5. The main issue is the effect of the proposed development on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons for the Recommendation

6. The appeal site forms part of a group of semi-detached bungalows situated along the two lane highway on High Road. The bungalow at the site is set back and separated from the road by a relatively long path and front garden, with a row of overgrown hedges marking the boundary between the site and the footpath on High

Road. A gravel road runs adjacent to No. 12 Marconi Bungalows providing vehicular access from the highway to the back gardens of the properties.

7. The proposed development relates to the creation of a vehicular access to the front of the appeal property from High Road. It would involve the removal of the overgrown hedges along the front boundary and would be covered in paving or stabilised gravel.
8. I observed that High Road is subject to busy and constant traffic flows. The speed limit along High Road also varies in proximity to the site. When travelling west it reduces from the national speed limit to 30mph after passing the appeal property. Conversely, when driving in the opposite direction the limit increases from 30mph to the national speed limit prior to reaching the site. As such, the section of highway in front of the proposal would remain at national speed limit and vehicles travelling eastward along this route would be speeding up as they pass No. 11. As a result of the proposal, vehicles would therefore be entering and exiting the appeal site from and to this high-speed traffic. While the appellant has suggested that they will only turn left when exiting the site, using the nearby roundabout to make a right turn, this cannot be secured or guaranteed. Accordingly, the possibility remains that vehicles exiting the appeal site will make right turns, crossing a lane of high-speed traffic and interrupting the flow of vehicles along the highway.
9. Notwithstanding that the parties disagree as to whether the appellant controls sufficient land to provide adequate visibility splays, it is noted that the existing line of sight on either side of the proposed access is poor. While a portion of the overgrown front boundary hedge at the site would be removed, hedges and shrubs would remain including a hedge at the neighbouring property outside of the control of the appellant. These hedges would reduce visibility for vehicles exiting the site and could result in a concealed entrance along the side of the highway. The reduction in visibility means that vehicles exiting the site would need to do so slowly and emerge part way into the highway to assess if a vehicle is approaching. The poor visibility could also result in sharp, sudden turns being made from the highway into the site due to the access being obscured by hedges.
10. The appellant has submitted plans showing that the current garden of the property is to be paved or covered in stabilised gravel, and although no information has been provided on the precise parking, turning and surfacing arrangements at the site, there would be sufficient space within the site to accommodate these facilities and thus prevent reversing movements onto the highway. However, it would still be the case that drivers using the access would have insufficient visibility and warning of vehicles on the main road, and that use of the access would impede traffic flows. The additional vehicular manoeuvres arising from the proposal would therefore lead to an unacceptable risk of collisions on the highway.
11. Based on the information provided, and for the reasons given above, I find that the proposed development would have an adverse effect upon the safe and efficient operation of the highway network in the vicinity of the appeal site. The proposal is therefore contrary to Policy ST4 of the Epping Forest District Local Plan, Alterations adopted July 2006.

Other Considerations

12. The appellant has referred to other examples within the wider vicinity where vehicular access is taken from the highway. However, I saw that the entrances to Ashlyns Farms and Blakes Golf course have good visibility splays and whilst there

are examples of accesses with poor visibility, this would not justify a further access with the highway safety risks that I have identified.

Conclusion and Recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

P J Davies

INSPECTOR