
Appeal Decision

Site visit made on 10 March 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/W5780/D/19/3241803

193 Snakes Lane East, Woodford Green IG8 7JH

- 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 Dipti Parikh against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3149/19, dated 3 April 2019, was refused by notice dated 23 September 2019.
 - The development proposed is a dropped kerb to create a vehicular access to and from the property for a disabled person.
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Decision

1. The appeal is allowed and planning permission is granted for a dropped kerb to create a vehicular access to and from the property for a disabled person at 193 Snakes Lane East, Woodford Green IG8 7JH in accordance with the terms of the application, Ref 3149/19, dated 3 April 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HM Land Registry Plan and Proposed Layout Plan.

Appeal Procedure

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

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the provision of on-street parking facilities.

Reasons for the Recommendation

4. The appeal property is a two-storey terraced dwelling with a driveway to the front. The Council noted within their report that this driveway may have been undertaken without planning permission, however that development does not form part of the appeal before me.

5. To the front of the dwelling, alongside the road, is a grass verge which has been cut away to provide communal parking for roughly 3 vehicles. The proposal seeks to provide vehicular access between the driveway and the road by way of a dropped kerb. It is needed because, due to a disability, the appellant requires access to a car parking space closer to their property. This has been supported by a letter from the appellant's doctor and evidence of a valid disabled parking badge.
6. The proposed development would result in the loss of one on-street communal parking space, within the bay to the front of the dwelling. However it was noted during the site visit that this space is marked on the road as a disabled space. As such, although on-street parking is generally limited along Snakes Lane East the loss of the disabled on-street space would have a limited impact on the overall availability of on-street parking within the area.
7. In the section 'Duty of Highway Authority' within the 'Policy Applicable to Footway Crossings' document (2015) it states that the Council must have regard to crossings likely to adversely affect existing on-street parking facilities leading to a reduction of parking capacity. However, paragraph 6 of this document states that due weight will be attached to the special needs of disabled persons during the decision-making process relating to any application for a footway crossing and that this may outweigh other considerations that would support reasons for refusal. I give this consideration significant weight.
8. Policy LP23 of the Redbridge Local Plan (2018) states that proposals for new development will be considered on the basis of the availability of public on-street parking. Therefore, in accordance with Policy LP23 and The Policy Applicable to Footway Crossings, due consideration has been given to the reduction in parking capacity and, in this case, I consider the small impact on the availability of on-street parking resulting from the proposal would be outweighed by the specific requirement of the appellant.

Conditions

9. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty.
10. A condition requiring the use of materials matching that of the existing building was requested by the Council, however this is not considered relevant to the development proposed and therefore has not been included. The Highways team have also recommended two conditions within their consultation response, however these relate to the surfacing and drainage of the driveway and not the vehicular access which is the subject of this appeal. Therefore they have also not been included.

Conclusions and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR