



Appeal Decision

Site visit made on 2 June 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2020

Appeal Ref: APP/W1525/D/19/3242558

3 Essex Avenue, Chelmsford, CM1 4AQ

- 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 B. Seaman against the decision of Chelmsford City Council.
 - The application Ref 19/01533/FUL, dated 9 August 2019, was refused by notice dated 29 October 2019.
 - The proposal is the crossing of grass verge to the front of the property to enable vehicle crossing from road to front of 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.

Main Issue

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

Reasons for the Recommendation

4. The appeal site comprises a grass verge and pedestrian footpath which lies in front of a semi-detached property located on Essex Avenue, a residential cul-de-sac. On my site visit I observed a number of cars were parked directly on the wide grass verge.
 5. The proposed vehicular access would be formed opposite the appeal property's front porch and cross over the existing grass verge and pedestrian footpath. I find that there would be limited space for parking between the front of the dwelling and the back edge of the footpath. As highlighted by the Council and Essex County Council Highways department, there would not be enough depth between the front of the house and the footpath to allow for a suitably sized parking space for a typical domestic car at 90° to the road as required by the County Council's parking standards. This could therefore lead to vehicles obstructing and overhanging the footway which would be detrimental to highway safety.
 6. Whilst the appellant asserts that a parked vehicle would only project out onto the footpath by 30cm, the Council states that the gap between the front of the porch and back edge of the pavement stands is 3.75m. In my view, the extent
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that a standard car would overhang the footway would be significantly more than 30cm and would thus be a serious impediment to pedestrian traffic, including disabled users, even accounting for the grass verge, particularly if the grass verge is muddy.

7. Although the appellant states that there is sufficient width within the space in front of the dwelling to allow for parking parallel to the road, Essex County Council parking standards require vehicles to park at right angles to the highway and completely within the curtilage of the property. I also find that parallel parking may require hazardous manoeuvres including reversing over the footpath that would threaten the safety of highway users and so would not be a better alternative.
8. I acknowledge there may be parking difficulties on Essex Avenue and I note the appellant's concerns with regards to mud being streaked across the footpaths as a result of cars parking on the grass verge. Furthermore, I accept it is impractical for a family with young children to be obliged, in some instances, to park on neighbouring roads. However, these issues do not outweigh the harm I have identified and does not alter my view that the proposal would negatively impact highway safety.
9. My attention was drawn to other properties with, in the appellant's opinion, unsatisfactory parking in the vicinity, however I did not observe any tarmacked driveways across the grass verge on the western side of Essex Avenue, comparable to the proposal. In any case, each proposal should be assessed on its own merits and this is the approach I have adopted.
10. The appellant also asserts that Essex County Council Highways gave permission for a dropped curb in this location in August 2019, however this does not affect my consideration of the planning merits.
11. In light of the foregoing, I therefore find the proposal would harm highway safety and conflict with policy DM27 of the Chelmsford Local Plan which requires adherence to their vehicle parking standards as well as paragraph 109 of the National Planning Policy Framework which seeks to ensure proposals are refused if there would be an unacceptable impact on highway safety.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR