



Appeal Decision

Site visit made on 21 July 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2020

Appeal Ref: APP/C1570/D/20/3246322

**Laurel Cottage, 88 The Street, Manuden, Bishops Stortford, Essex
CM23 1DS**

- 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 Stewart Woskett against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2161/HHF, dated 15 September 2019, was refused by notice dated 3 December 2019.
 - The development proposed is dropped kerb with access to a shingle driveway. Shingle contained by sleeper edging. 10mm natural shingle. Sleeper – reclaimed railway sleepers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development shown on the Council's decision notice is different to that shown on the planning application form. There is no information before me to show that this change has been agreed by the appellant. Therefore, I have used the description shown on the planning application form in the heading above and determined the appeal on this basis.
3. During my site visit I observed a shingle driveway, however the proposed dropped kerb had not been constructed. I have therefore considered the appeal on the basis of the proposal as presented on the plans that are the subject of the appeal.

Main Issue

4. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

5. The local highway authority advise that The Street is classed as a secondary hierarchy highway, where its principal function is the carrying of traffic between centres of population. The stretch of road adjacent to the appeal site is subject of a 30mph speed limit and there are no on-street parking restrictions. There is a narrow section of road nearby, which requires approaching vehicles to slow down to give way to oncoming traffic. Furthermore, an access road runs to the side of the appeal property, which provides access to a children's playground and the rear of properties in The Street. At the time of my site visit, I observed

- pedestrians, including children, walking from the access road onto the pavement in The Street.
6. A shingle driveway has been laid out to provide an on-site parking area. The precise position and width of the proposed dropped kerb is unclear on the location plan and the block plan, however it appears that it would be roughly to the front of the existing opening in The Street road frontage. No visibility splays are shown on the plans. Based on my observations, the existing tall boundary fence and hedging adjacent to the proposed access would restrict visibility for drivers egressing from the parking area onto The Street.
 7. It would be difficult for anyone leaving the driveway in a forwards direction to have a full view of the pavement until after the bonnet of the car has left the driveway and manoeuvred onto the pavement. It would be even more difficult to see the pavement if reversing off the drive. I therefore consider that this would be an unacceptable risk to the safety of pedestrians, especially, small children.
 8. Furthermore, the plans do not demonstrate that sufficient on-site manoeuvring space would be provided to enable vehicles to enter and exit the site in forward gear. Even if there were enough space, it is unclear what arrangements would be put in place to ensure that the parking area was used in this way. There would be nothing to prevent cars from being parked side by side and preventing adequate manoeuvring space. It is therefore likely that the proposal would lead to reversing movements onto, or off, the secondary hierarchy highway, which would result in additional slowing and turning of vehicles in the highway. Taken together with the absence of appropriate visibility splays, this would harm the safe and efficient operation of the highway network.
 9. I note the concern from the local highway authority regarding the use of unbound materials for the driveway, however this could be addressed by other legislation.
 10. The appellant has drawn my attention to existing accesses to The Street, and these were evident from my site visit. Nevertheless, the presence of other accesses in the area does not justify another one, which I have found to be likely to result in highway danger.
 11. The proposal would therefore be harmful to highway and pedestrian safety, contrary to saved Policies GEN1 and GEN8 of the Uttlesford Local Plan 2005, which, amongst other things, state that access to the main road network must be capable of carrying the traffic generated by the development safely, and the design of the site must not compromise road safety.
 12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR