



Appeal Decision

Site visit made on 15 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/W1525/D/20/3253712
107 Centenary Way, Chelmsford CM1 6AU

- 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 Jack Skinner against the decision of Chelmsford City Council.
 - The application Ref 20/00055/FUL, dated 13 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is formation of access.
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Decision

1. The appeal is allowed and planning permission is granted for formation of access at 107 Centenary Way, Chelmsford CM1 6AU in accordance with the terms of the application, Ref 20/00055/FUL, dated 13 January 2020, and the conditions set out in the attached schedule.

Procedural Matters

2. Chelmsford City Council adopted its new Local Plan in May 2020. The Council has identified the policies in the new Local Plan that are relevant to this appeal, and the appellant has been invited to comment. This decision has been taken in accordance with the policies in the new Local Plan.
3. I have used the description of development given on the appeal form as it is a more concise description of the development proposed.

Main Issue

4. The main issues are the effect of the development proposed on:
 - Highway safety; and,
 - The character and appearance of the surrounding area.

Reasons

Highway safety

5. The proposed access would be located on a stretch of straight road with good visibility in both directions. The access would increase the number of vehicle crossovers onto this side of the road, with each property opposite the appeal site having its own access.
6. The trees planted on the grass verge are widely spaced and would not obstruct visibility for vehicles exiting or approaching the access. The railings along the

pavement edge are of lightweight appearance, and do not inhibit visibility of cars on the shared driveway.

7. Any conflict with vehicle and pedestrian traffic arising from the development proposed would be limited as usage is likely to be limited only to traffic relating to the immediately neighbouring properties.
8. Paragraph 109 of the National Planning Policy Framework states that permission should only be refused if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The development would not cause an unacceptable impact on highway safety, nor would the impact on the road network be severe. It would therefore accord with Policy DM23 of the Chelmsford Local Plan 2020 (the LP) which requires, amongst other things, that development create safe environments and be compatible with its surroundings.

Character and Appearance

9. The railings along the pavement edge in front of the houses make a positive contribution to the character of the site and wider street scene. The removal of a section of railing and paving of part of the adjacent grass verge would diminish this contribution.
10. This must be balanced against the benefit of improved access for the occupiers of the adjacent properties. This terrace of houses shares a single access and this arrangement limits the manoeuvrability of vehicles on the relatively narrow communal driveway. The proposed crossover would provide direct access to the integral garages at Nos 107 and 109.
11. In this instance this benefit would outweigh the limited harm to the character and appearance of the surrounding area having regard to LP Policy DM23, which requires, amongst other things, that development be compatible with its surroundings.

Conditions

12. I have had regard to the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect national Planning Practice Guidance.
13. I have imposed standard conditions relating to the commencement of development and confirming the approved plans, for the sake of certainty.
14. Submission of further details including materials, construction method and the precise details of the access are necessary to ensure that the siting of the access is acceptable and would not result in unbound material or surface water spilling onto the highway. I have accordingly included a condition requiring these details.
15. A condition requiring protection of the trees on the verge adjacent to the site of the access is necessary to protect these trees during construction.

Conclusion

16. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of 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: Site plan, sketch plan of plots.
- 3) Notwithstanding condition 2 no development shall take place until details of the materials and method of construction, including detailed drawings at a scale not less than 1:100 showing the siting and size of the access, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) Any trees adjacent to the access hereby approved shall be protected during construction in accordance with protective measures previously approved in writing by the local planning authority. The protective measures shall be installed in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any protected area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.