The Planning Inspectorate

Appeal Decision

Site visit made on 26 October 2020

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/J1535/D/20/3250179
7 Nobel Villas, Sewardstone Road, Waltham Abbey, EN9 1NU

- 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 Jaspal Chatha against the decision of Epping Forest District Council.
- The application Ref PL/EPF/2745/19, dated 15 November 2019, was refused by notice dated 13 January 2020.
- The development proposed is a dropped kerb.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a semi-detached dwelling, which is situated on a main road that leads to and from Waltham Abbey town centre. Nobel Villas comprise a row of semi-detached properties, none of which have off-street parking at the front. Access and parking spaces are however available at the rear, via a private access way from Denny Avenue. The appeal property is close to a number of busy junctions (one of which is controlled by traffic lights) that serve both commercial and residential areas, including two supermarkets. During my site visit, I observed significant volumes of traffic along Sewardstone Road, coupled with a large number of turning manoeuvres at the junctions.

4. The proposal is to construct a dropped kerb at the front of the appeal dwelling to provide an off-street parking space. The front garden area is relatively small and I consider it unlikely that vehicles would be able to manoeuvre into or out of the parking space without having to reverse during one of these manoeuvres.

5. The Council considers that the proposal would have an unacceptably harmful effect on highway safety and that it would conflict with Policy ST4 of the adopted Epping Forest District Council Local Plan (1998) and Alterations (2006). This states (amongst other things) that the Council will only grant planning permission for development that will not be detrimental to highway safety. In addition, Policy T1 of the emerging Epping Forest Local Plan (2017) is similar. Although the emerging plan has yet to be adopted, I consider that Policy T1 is consistent with paragraph 109 of the National Planning Policy

Framework 2019 (the Framework), which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

6. In reaching my decision, I have taken into account the appellant's arguments that vehicle movements would be relatively few in number and that traffic speeds along this section of Sewardstone Road are low, because of the nearby junctions and traffic lights. Reference is also made to a low accident rate in the area, although I have not been provided with any substantive evidence in that regard. I also noted at my site visit that visibility distances in both directions are generally acceptable.

7. Notwithstanding the above, I consider that the proposal would result in an unacceptable impact on highway safety, because of the manoeuvring that would be required to enter and leave the parking space. It would interrupt the free and safe flow of traffic in an area where there is a large number of different movements and it would create a further hazard and distraction to drivers and other road users. Accordingly, the proposal would conflict with both the existing and emerging Local Plans.

Conclusion

8. For the reasons given above, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR