
Appeal Decision

Site visit made on 15 February 2021

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/U5930/W/20/3260014

Ground Floor Flat 1, 100 Grove Green Road, Leytonstone E11 4EL

- 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 Shahid Hussain against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 200125, dated 14 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is described as a 'domestic vehicle crossover on a one way road'.
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Decision

1. The appeal is allowed and planning permission is granted for a domestic vehicle crossover at Ground Floor Flat 1, 100 Grove Green Road, Leytonstone E11 4EL, in accordance with the terms of the application, Ref 200125, dated 14 January 2020, 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: 279-01A, 279-02A and 279-03B.

Procedural Matter

2. I have taken the description above from the application form, other than the reference to the 'one way road' as that is not an act of development.

Main Issue

3. The main issue is the effect of the proposed development on the convenience and safety of highway users, with particular regard to parking availability.

Reasons

The convenience and safety of highway users

4. This stretch of Grove Green Road is within a Controlled Parking Zone ('CPZ'). The appellant states that the restrictions are aimed at deterring commuters, and that within this 'LNN' part of it they are in place between 10:00 to 16:00 on Mondays to Fridays only. However, following a public consultation, that has since changed, and I observed that the restrictions now apply from 08:00 to 18:30 Monday to Saturday.

5. There are existing crossovers next to, and close to, the site, some of which may pre-date the CPZ. Together with the appeal scheme, this would result in this short stretch of Grove Green Road having no roadside parking spaces.
6. However, at Appendix B of his statement the appellant has provided a parking stress survey in the LNN zone undertaken on a selection of weekdays and weekends between June and August 2020. This shows that on those days between 19:30/20:30 and 21:30/22:30, roadside parking spaces were nearly always available on Grove Green Road. His Personal Statement also includes a survey and photographs taken between 15 to 17 May 2020 from 21:00 to 23:00, which show available roadside spaces on this, and nearby, roads.
7. Whilst it represents just a snapshot in time, those findings were borne out by my site visit at around 11:30 on a Monday, when there were roadside spaces available further along this stretch of Grove Green Road.
8. Some local residents refer to parking pressures in the area. However, neither those representations, nor the Council's delegated report, include detailed evidence to support that position. The consultation response from the Highways Section refers simply to the 'adverse effect on existing parking arrangements', without elaborating on what they are, or their extent. Thus, on the basis of the evidence before me, I am not persuaded that the scheme would significantly impact the convenience of highway users as a result of parking stress.
9. Although it does not form part of the Council's case, interested parties have also objected to the scheme on highway safety grounds. However, the distance between the edge of the pavement and the site's bay window is shown on drawing no. 279-02A at over 5 metres. Whilst I have been provided with photographic evidence of some inconsiderate parking on private driveways nearby, I have no cogent reason to doubt that the space here would be sufficient for many car models to park without overhanging the pavement.
10. Following recent highway modifications, including the creation of a cycle path on the opposite side of Grove Green Road, the pavement in front of No 100 is narrower than depicted on the drawings. However, the frequency of vehicular movements associated with a single domestic parking space would typically be modest, as would their speed. Consequently, whilst children and vulnerable persons use the pavement, I am not persuaded that the scheme would have a significant impact on their safety.
11. The scheme would not therefore conflict with those parts of Policy CS7 of the Waltham Forest Local Plan Core Strategy 2012, and Policies DM15 and DM16 of the Waltham Forest Development Management Policies Local Plan 2013 which seek to manage on-street parking; resist proposals that are likely to reduce on-street parking provision in areas where such spaces cannot meet existing demand; and which require proposals not to harm or hinder highway safety.
12. Although the Council's Urban Design Supplementary Planning Document 2010 notes that parking spaces within a curtilage, as proposed here, can take on-street spaces away, the scheme would not conflict with its general stance that parking solutions should be balanced, and that arrangements should be convenient and safe.

Other matters

13. As the paved forecourt already exists, and forms no part of the scheme, I have not considered its impact on the area's character and appearance.
14. Given that the paved forecourt is around 5.2 metres wide, and that the proposed crossover would be offset slightly to the side in front of the bay window, I am satisfied that cars parked here would not significantly impede access to the building's front doors.
15. I understand that the site's upper bay window serves a bedroom. There could therefore be some additional noise to those occupants from vehicular movements and associated activity. However, I have concluded that the movements as a result of the scheme would typically be very limited. As this is a first floor window, and in the context of existing traffic on Grove Green Road, those occupants' living conditions would not be impacted to a harmful degree.
16. Finally, I have no cogent reason to support the claim that the scheme would increase reliance on cars, and thereby contribute to climate change.

Conditions and Conclusion

17. The Council has not suggested any conditions in the event that the appeal is allowed. However, having regard to the tests in the National Planning Policy Framework, two standard conditions are necessary – the time limit condition; and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
18. For the above reasons, on the basis of the evidence before me, the scheme would not significantly harm the convenience and safety of highway users, and it would not conflict with the development plan. Consequently, having regard to all other matters raised, including representations in support and opposition by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR