



Appeal Decision

Site Visit made on 21 June 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2021

Appeal Ref: APP/W1525/D/21/3268985

13 Cherry Garden Road, Great Waltham, Chelmsford, CM3 1DH

- 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 Franco Amue against the decision of Chelmsford City Council.
 - The application Ref 20/01537/FUL, dated 28 September 2020, was refused by notice dated 24 November 2020.
 - The development proposed is described as “drop kerb and access across green verge to property boundary”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether it would provide safe access to the highway; and,
 - The effect of the development on the character and appearance of the area.

Reasons

Highway safety

3. The triangular sward between the appellant’s property and the road falls outside of their ownership. It includes a mature tree immediately next to the point where cars would join the highway and other trees further along the edge of the sward. These trees are well-established in the street scene and are not within the appellant’s control.
4. Because of the size of these trees visibility splays for cars approaching the highway would be limited, as would visibility of the access for cars approaching along the road. While the number of traffic accidents along the road may be low, the road seems well used and the restricted visibility would be likely to result in an increased risk of accidents occurring.
5. My attention has been drawn to permissions granted for approved crossovers serving Nos 14, 43, 69 and 75 Cherry Green Road. However, none of these properties have the same restricted visibility that exists at this site, and therefore while they are a material consideration in the determination of this appeal, they carry limited weight.
6. The appeal proposal would not provide safe access to the highway. It would therefore conflict with the National Planning Policy Framework which states that

development should be refused where there would be an unacceptable impact on highway safety.

Character and appearance

7. Great Waltham is characterised by substantial green swards that lie between the road and houses in the village. The swards are of variable size and siting, but overall contribute to the character of the village, providing open green space within the street scene.
8. The proposed access would run through the triangular sward. The access could be laid with a permeable base that would allow grass to grow through, and over time that base would be concealed by the growing grass. Allowing for the time for the grass to establish itself, therefore, the creation of the access across the sward would not result in a significant visual impact to its contribution to the street scene.
9. The development would consequently not result in unacceptable harm to the character and appearance of the area. It would accord with the requirements of Policy DM23 of the Chelmsford Local Plan 2020, the criteria of which include that development respects the character and appearance of the area in which it is located.

Other Matters

10. It has been drawn to my attention that in the absence of crossovers residents park on the swards, resulting in a deterioration in their condition. However, this would not be significantly affected by the appeal proposal being allowed, as this would only improve access to a single dwelling in the settlement.

Conclusion

11. There are no material considerations to indicate other than that this appeal should be determined in accordance with the development plan.
12. Therefore, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR