



Appeal Decision

Site Visit made on 12 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/J1915/D/21/3270241

36 Sayesbury Road, SAWBRIDGEWORTH CM21 0EB

- 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 Brian Smith against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1876/HH, dated 29 September 2020, was refused by notice dated 1 February 2021.
 - The development proposed is for the creation of a hardstanding vehicular access and dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a hardstanding vehicular access and dropped kerb at 36 Sayesbury Road, Sawbridgeworth CM21 0EB in accordance with the terms of the application, Ref 3/20/1876/HH, dated 29 September 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03 and 04.

Main Issue

2. The main issue is the effect of the proposed development on highway safety, with particular regard to safe access and egress.

Reasons

3. Sayesbury Road is a residential street. It is straight and relatively wide, with a 30mph speed limit. On-street parking around the appeal site is unrestricted. As such, the road accommodates on-street parking, whilst still allowing two cars to pass each other safely. Around half of the dwellings in the street include on-plot parking, without the benefit of on-plot turning areas. Many of these take the form of parallel parking spaces, located in front of dwellings, within narrow areas of hardstanding. Although, these areas may have been subject to historical planning decisions, they nevertheless form part of the highway context. As a result, manoeuvring into and out of parking spaces, similar to that proposed, is an established characteristic of the area.
4. Policy TRA2 of the East Herts District Plan (2018)(DP) requires development proposals to ensure that a safe and suitable access can be achieved for all users. Furthermore, Policy TRA3 of the DP requires car parking to be integrated as a key element of design. The appeal site would enable the proposed

arrangement to accommodate a parallel parking space. No 38 has a dropped kerb and hardstanding to its front and side. It has a similar plot size and space around the dwelling. Similar to the appeal site, it can accommodate parking either in front or alongside the dwelling.

5. The proposed scheme would enable a car to be parked to the side or front of the dwelling. The hardstanding and associated parking areas would integrate well with the host dwelling and the surrounding streetscape. If a car were parked to the side, it would be parked perpendicular to the highway, a feature common to many plots. Furthermore, the proposed parking area would be of sufficient size for a vehicle to park fully off the highway, in either location, without over-sailing the footpath. Therefore, the dimensional requirements of the County's vehicle cross-over guidance would be excessive within this context.
6. The highway is straight and flat without substantive distractions or obstructions that might hamper access and egress. In mind of the limited speed of approaching cars, other road users would have ample opportunity to react to a vehicle reversing onto or off of the appeal site. Therefore, whilst recognising the concerns raised by the Highway Authority, the proposal would allow a vehicle to enter and exit the site in a safe manner, without detriment to highway safety. Consequently, the proposal would accord with policies TRA2 and TRA3 of the DP.
7. Although not requested by the Council, in line with the National Planning Practice Guidance, the standard conditions have been applied with respect to commencement period and approved plans for clarity.
8. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed and planning permission granted.

B Plenty

INSPECTOR