The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date:11TH April 2022

Appeal Ref: APP/U5930/D/21/3289464
42 Chingford Road, Walthamstow E17 4PJ

- 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 Ms Hannah Yates against the decision of the Council of the London Borough of Waltham Forest.
- The application Ref 213081, dated 23 September 2021, was refused by notice dated 25 November 2021.
- The development proposed is the construction of a dropped kerb/formation of a vehicular crossover.

Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issues are the effects of the proposed development on the safety of other highway users.

Reasons

3. The proposed development includes the construction of a dropped kerb and crossover to enable vehicular access from Chingford Road to the front garden of the appeal property which is a 2-storey terraced dwelling. The front garden is already hard surfaced and along this side of the road the streetscene is characterised by terraced dwellings with a predominance of hard surfaced front gardens.

4. It was observed during the site visit that the road was busy with traffic queuing associated with the nearby traffic lights. The appellant's evidence does not suggest that there have been collisions or other incidents associated with traffic flows.

5. The Council's Parking Standards identify that the minimum depth of a parking space should be 4.8 metres. The front gardens of the property and other dwellings in the terrace are below this depth, principally because of bay windows. However, as the appellant has identified, this does not automatically mean that a proposal is refused[1] and planning permission was previously granted for a crossover at the property.[2] However, limited detail of this other scheme has been provided and the previous permission was assessed against the development plan policies at that time. For these reasons, limited weight is

[1] Application Ref. 200921
[2] Application Ref. 051384

given to these matters in the determination of this appeal and the proposal has been assessed on its own planning circumstances.

6. During the site visit cars were parked within the front gardens, including the property. Vans were parked off-street but they were parked parallel to the dwellings and substantially occupied 2 front gardens. By reason of the depth of the gardens, it was noted that the rear ends of the parked cars, even when parked at an angle, overhung the footway to varying degrees. The appellant only owns a small car but this still slightly overhung the footway. However, in the future either the appellant could purchase a larger vehicle or someone else possessing a larger vehicle may occupy the property.

7. The pedestrian flow along the 1.8 metre wide footway during a lunchtime site visit was steady with individuals and groups of people walking to and from the nearby shops, including adults with children in pushchairs. There were occasions when people walking in opposite directions along the footway crossed. Where the footway was narrowed due to overhanging cars then these pedestrians were hindered, especially the small groups, and had to adjust their behaviour to walk around the vehicles. In one case, because of a pushchair travelling in the opposite direction, a pedestrian stepped onto the carriageway of the busy road which was prejudicial to that person's safety and driver of the vehicles travelling along the road.

8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the safety of other highway users and, as such, it would conflict with Policies DM15 and DM16 of the London Borough of Waltham Forest Development Management Policies Local Plan. Amongst other matters, these policies require development not to hinder pedestrian movement nor cause harm or hinderance to highway safety. The other policies referenced by the Council in the reason for refusal are generic in nature and principally related to wider health matters and, as such, they are not of direct relevance to the determination of this appeal. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR