
Appeal Decision

Site visit made on 1 November 2022

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Ref: APP/Z1510/W/22/3290337

76 Trinity Road, Halstead, Essex, CO9 1ED

- 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 M Cutmore against the decision of Braintree District Council.
 - The application Ref 21/00594/FUL, dated 2 February 2021, was refused by notice dated 13 August 2021.
 - The development proposed is returning what was originally a two bed semi-detached property back to its original format, currently a 3 bed detached. Rear single storey extension included and external works to suit.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal would provide for adequate on-site parking having regard to the safety of those using the footpath and the extent of on street parking in the area.

Preliminary Matters

3. I note the Council changed the description of development from that given on the application form in order to aid clarity. However, it is clear from the description given on the application form that the proposal concerns the subdivision of an existing single dwelling to form two dwellings and a single storey rear extension. Therefore I have used the description of development on the application form in this decision.
4. During the course of the appeal the Council has adopted the Braintree District Local Plan 2013-2033 in July 2022. This has superseded the Braintree District Local Plan Review (2005) and the Braintree District Local Development Framework Core Strategy (2011). I have therefore applied the policies of the current parts of the development plan relevant to this case throughout this decision.

Reasons

5. Trinity Road is a residential street with no parking restrictions. When entered from the A131 (Mount Hill) there are dwellings with no off-road parking on the right hand side. This gives rise to on street parking on that side of the road. On the left hand side of the road are dwellings with limited on-site parking some orientated parallel to the street. The road itself is relatively narrow as is the

footpath. A telegraph pole is sited at the junction of the site with a neighbouring property and the footway.

6. The proposal would result in the existing dwelling becoming two separate houses with a parallel parking space in front of each of the new dwellings. Access to these spaces would be restricted due to their length, width, proximity of the telegraph pole on the boundary and the relatively narrow carriageway with parking on the opposite side of the road.
7. This would mean vehicles would manoeuvre on the public highway and the roadside footway in order to access the proposed parking spaces. This manoeuvring would be much more difficult if one of the proposed parking spaces were to be occupied. Consequently this would endanger pedestrians using the footway due to the time taken for the car to make the manoeuvre and to the restricted visibility the driver of the car would have of pedestrians on the footway when parallel parking.
8. The Development Plan for the area is comprised of the Braintree District Shared Strategic Section 1 Local Plan (2021) (SS1LP) and the Braintree District Local Plan 2013-2033, adopted in July 2022 (BDLP). Of particular relevance to this appeal are Policies LPP43 and LPP52 of the BDLP.
9. Policy LPP43 requires development proposals to provide parking in accordance with the Essex Parking Standards. These standards require 2 bedroom dwellings to have 2 parking spaces. In this case the 2 newly created dwellings proposed would require 4 car parking spaces, 2 per dwelling. Therefore I find that the proposal is in conflict with this policy as only 1 space per dwelling is to be provided.
10. Policy LPP52 at paragraph m requires that proposed developments should not have a detrimental impact on the safety of the highway or any other public right of way and its users. I have found above that due to the restricted dimensions of the proposed parking spaces, the narrowness of the road, the presence of parked cars on the opposite side of the road, and the manoeuvring of vehicles on the footpath, the proposal would harm the safety of pedestrians using the footpath in front of the proposed dwellings. I therefore find the proposal in conflict with this policy of the development plan.
11. Overall, I find the proposal in conflict with Policies LPP43 and LPP52 of the BDLP, in that it would not provide the car parking spaces required for these types of dwellings, and it has the potential to harm the safety of pedestrians using the footpath fronting the appeal site.

Habitat Regulation Sites

12. The proposal falls within the Zone of Influence (ZOI) of European designated sites along the Essex Coast. Additional residential development in the ZOI could have a significant effect on the sensitive interest features of these sites, through increased recreational pressure. It is my duty, as the competent authority, to consider whether the proposed development would constitute a likely significant effect on the sensitive interest features of the designated sites as set out in Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (CHSR).
13. It is anticipated, without mitigation, new development in the ZOI could have a significant effect on the sensitive interest features of the European designated

sites through increased recreational pressure, particularly when considered in combination with other plans or projects.

14. Therefore, by virtue of its proximity to protected European sites an Appropriate Assessment under the CHSR would be required were I minded to allow the appeal. Nevertheless, considering that the appeal is to be dismissed for other reasons mentioned in the decision, no further consideration is required on this matter.

Other Matters

15. I note that the appeal proposal could also utilise part of the shared drive to the right of the property, to assist vehicles using the car parking spaces. However as this is a shared space it could not be guaranteed to be available every time a vehicle needed to access the parking space in front of the appeal site. I therefore consider that even with this shared space available harm could be caused to the safety of pedestrians using the footpath.
16. I note that the site is within close proximity to public transport facilities. However, whilst that might encourage the occupants of the proposed dwellings to use public transport it would not prevent them from owning or using vehicles at the site. Therefore this would not in itself remove the danger to pedestrians of vehicles manoeuvring on the footpath in front of the appeal site.
17. I appreciate that 2 small 2 bed roomed houses might be less expensive than other dwellings in the area. However, the dwellings to be provided would be sold or let on the open market and the price or rent would not be controlled as it would be in houses designated as 'affordable'. I therefore give this argument limited weight in this appeal and it is not sufficient to outweigh the harm I have found to the safety of pedestrians using the footpath in front of the dwelling.
18. Finally it has been stated that the parking arrangements proposed are '*typical for Trinity Road*'. Whilst I saw some examples of parallel on-site parking in Trinity Road at my site visit, I also saw examples of other types of parking. Therefore the parking arrangements proposed could not be described as '*typical*'. I therefore do not consider that this argument is sufficient to outweigh the harm I have found.

Conclusion

19. Therefore and for the reasons given above I find that the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR