



Appeal Decision

Site visit made on 29 November 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 14 DECEMBER 2022

Appeal Ref: APP/G5750/D/22/3304818

4 Vicars Close, Stratford, Newham, London E15 3QX

- 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 A Ahad against the decision of the Council of the London Borough of Newham.
 - The application Ref 22/00918/HH, dated 10 March 2022, was refused by notice dated 13 June 2022.
 - The development proposed is a driveway.
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Decision

1. The appeal is allowed and planning permission is granted for a driveway at 4 Vicars Close, Stratford, Newham, London E15 3QX in accordance with the terms of the application, Ref 22/00918/HH, dated 10 March 2022, and the plan submitted with it, 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 plan, 01 of 01.

Main Issues

2. The main issues are:

- The effect of the proposal on the character and appearance of the host dwelling;
- The effect of the proposal on highway safety.

Reasons

Character and appearance of the host dwelling

3. The appeal site comprises a terraced two storey dwelling located along Vicars Close, a no through road. There was no front boundary treatment in place at the appeal site at the time of my site visit and the front garden area was block paved. There are a variety of front boundary treatments of differing heights to the front of other properties along Vicars Close. There are two dropped kerbs near the appeal site, which provide vehicular access to the rear of corner properties that front onto Portway. Both vehicular accesses are gated. At the end of the no through road there is a break in the boundary treatment which provides access into the parking area that serves Chadacre Court. Double yellow lines are present along the opposite side of the road to the appeal site. The appeal site is not subject to any statutory heritage designations and there

were no greenspaces, trees or vegetation present on the frontage of the appeal site when I carried out my site visit.

4. Whilst the Council refer to the demolition of a front boundary wall in their description of development, this is not identified in the proposal set out on the planning application form nor is it identified on the drawings. There was no front boundary wall in situ when I carried out my site visit and I have no evidence before me as to what was present at the time the planning application was submitted. I note that the appellant acknowledges in their statement that a wall was removed because it was damaged.
5. Whilst the other properties along Vicars Close have front boundary treatments in place of varying designs and heights, the appeal property does not. The frontage is open to the pavement and the front garden area is block paved. The use of the hardstanding for the parking of a vehicle would therefore not remove any green space. Whilst the parking of a vehicle within the front garden area would alter the character and appearance, it would not be harmful to it.
6. I conclude that the proposed driveway would not have a harmful effect on the character and appearance of the host dwelling. The proposed development would therefore comply with Policies SP1, SP3 and SP5 of the Newham Local Plan 2018 (NLP) and Policy D8 of The London Plan March 2021 (TLP) which seek amongst other things to engender safe, sociable and inclusive mixed and balanced communities and respond to local character and distinctiveness. The proposal would also be in accordance with paragraphs 126 and 130 of the National Planning Policy Framework (the Framework). Policies D1, D3, D4 and HC1 of TLP and SP2 and SC4 of the NLP are identified by the Council, however these relate to defining a character's area to understand capacity for growth, the optimisation of site capacity and design analysis, development certainty, heritage conservation, healthy neighbourhoods and biodiversity. These policies are not directly relevant to this main issue.

Highway safety

7. It is unclear as to how the provision of a dropped kerb to provide one off street parking space would lead to an unacceptable impact on highway safety, with particular regard to pedestrians and other street-users. The existing context of the site, being a short no through road serving a limited number of properties means that pedestrian movement is relatively limited. There are pavements along both sides of Vicars Close providing connectivity to Portway. Given that parked cars would be located either side of the dropped kerb, it would require drivers to enter and exit the site at a significantly reduced speed. Visibility of the footpath would be acceptable, given that front boundary treatments and side boundaries to the front of neighbouring properties are low level.
8. The proposed development would provide for the parking of one vehicle off street. I accept that the parking space provided would only benefit the occupier of the appeal property and as a result, alongside the length of the resultant dropped kerb would not be available for other road users for parking. I note the concerns raised over the general parking pressures in the locality. However, I have been provided with little evidence as to how the potential removal of one on street space, replaced with one off street space would result in an unacceptable impact. In practice the on street car parking spaces would in any event be occupied by residents of the houses in the road. The existing disabled

parking bay is located further down Vicars Close and would not be directly affected by the proposal.

9. During my site visit, whilst it was only a snapshot in time, being late morning on a weekday, only three vehicles were parked on the road, one in the disabled bay and two further up towards Portway. There are garages along Pelly Road which are located to the rear and serve the properties along the opposite side of Vicars Close, along with one instance of double gates providing access to the rear. Whilst I accept that some of the garage openings are more traditional in size, there are others which are wider that would provide the potential to park a vehicle within, meaning that there are additional parking options serving the residents of properties on Vicars Close. Consequently, because there would be no overall loss in the total number of parking spaces and the existing disabled bay would not be impacted upon, the general availability of parking in the road would not be significantly affected.
10. Both the pavement and the parking bays lie outside of the appeal site and it is clear from the Council's Delegated Report that there is a separate regulatory regime whereby the appellant would need to seek approval for works relating to the dropping of the kerb. The granting of planning permission does not override the need for any such separate consent before works are carried out.
11. I conclude that the proposed parking arrangement would not be harmful to highway safety or unacceptably detract from the general availability of car parking spaces in the area. The proposed development would therefore comply with the requirements of Policies SP1, SP2, SP8 and INF2 of the NLP and Policies T2 and T6 of TLP which seek amongst other things to engender safe, sociable and inclusive mixed and balanced communities and facilitate and promote walking and cycling. The proposal would also be in accordance with paragraph 130 of the Framework.

Conditions

12. I have considered the conditions suggested by the Council, in light of the Framework and the Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty.

Conclusion

13. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed and planning permission is granted subject to the attached conditions.

G Dring

INSPECTOR