



Appeal Decision

Site visit made on 6 December 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/H1515/W/22/3295935

41 Warley Hill, Brentwood CM14 5HR

- 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 Mrs Louise Smith against the decision of Brentwood Borough Council.
 - The application Ref 22/00011/HHA, dated 5 January 2022, was refused by notice dated 11 February 2022.
 - The development proposed is extension to dropped kerb to gain entry to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form, as it is a more complete description of the proposed development.
3. The declaration date on the planning application form is later than the date that the application was refused. For this reason, I have used the date of the application from the planning appeal application form.
4. Since the determination of the planning application, the Council adopted the Brentwood Local Plan 2016-33 (2022) (BLP) and has revoked the Brentwood Replacement Local Plan (2005) (BRLP) cited in the decision notice. The Council's reason for refusal did not refer to policies from the BLP which were, at that time, emerging policies. However, during the appeal, the Council provided an update on the adoption of the BLP and alleged conflict with BLP policies BE12, BE13 and BE14.
5. Policy BE12 requires that development must not have an unacceptable impact on highway safety. Policy BE13 outlines that car parking must take account of the Essex Parking Standards Design and Good Practice (2009) (EPS). Policy BE14 identifies the Council's aim to create attractive and accessible places, which includes sensitively integrating parking places into development. The main parties have had the opportunity to comment on the implications for this appeal and I have determined the appeal scheme in regard to the most up to date development plan situation.

Main Issue

6. The main issue is the impact of the proposed development on highway safety, with particular regard to the potential for conflict between pedestrians and road users.

Reasons

7. The appeal property is a two storey semi-detached house set back from the pavement edge behind a small hard surfaced area. The pair of properties are set at an angle to the road so that No. 39, the other property within the pair, is set slightly further back from the edge of the pavement than the appeal property. Brentwood Railway Station is located a short distance to the north on Warley Hill. The pavements in the area appeared to be well used at the time of my mid-morning site visit, and, given the proximity to the Station, I would expect them to be even more well used during rush hour times.
8. Both parties agree that the hardstanding to the front of the property is less than 4 metres in depth. The appellant confirms that were their current car to be parked on the front hard surfaced area it would overhang the pavement by 10 centimetres. However, I am mindful that in the future the occupiers of the property could own a larger vehicle that would overhang the pavement by an even greater extent.
9. The appellant references the minimum widths for new pavements identified within the now revoked BRLP and the Government's Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2021). Regardless of the minimum widths referred to in these documents, the proposed development would reduce the useable width of an existing pavement which appeared, from my site visit, to be well used. Whilst the current vehicle is unlikely to cause significant obstruction, a larger vehicle would, given the limited parking space available. Vehicles overhanging the footway would reduce the space available for pedestrians, and in some circumstances, could mean they need to step onto the carriageway to round an obstruction, or another pedestrian.
10. Regardless of how the area of hardstanding has previously been used for parking, or whether complaints have ever been made about the restriction of pedestrian access to this section of the pavement, overhanging of the pavement as a result of the proposed development would cause harmful obstruction for pedestrians. The Local Highways Authority has also confirmed that there is also insufficient space to comply with the 5 metres minimum depth required for a parking space that is suggested by the EPS.
11. The appellant provided photographs of a car parked to the front of the adjoining property, and I also noted a car parked to the front of this property at the time of my site visit. Regardless of the neighbouring residents' support for the proposed development, and any benefits that an extension to the dropped kerb would have for them, these matters do not overcome the harm that I have identified as a result of the proposed development.
12. For the reasons given above, the proposed development would cause harm to highway safety, with particular regard to the space for off-street parking and the potential for conflict between pedestrians and road users. It would conflict with Policies BE12, BE13 and BE14 of the BLP which, among other things, relate to parking standards, require development not to have an unacceptable impact on highway safety and to minimise conflict between traffic and pedestrians.

Other Matters

13. During my site visit I observed the stretch of narrow pavement outside Tesco Express on Warley Hill which the appellant identified. However, the existence of other constrained areas of pavement within the locality does not justify the proposed development, which I have found will overhang and constrain the pavement outside the appeal property.
14. The appellant confirmed that the occupiers of 39 Warley Hill requested to be included in the appeal as they would also like the dropped kerb to be extended. However, as they were not included within the planning application submission this is not possible and I have not considered this matter further.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR