



Appeal Decision

Site visit made on 21 December 2022

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/H1515/D/22/3303559

173 Woodman Road, Warley, Essex CM14 5AJ

- 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 Miss Alice Webb against the decision of Brentwood Borough Council.
 - The application 22/00356/HHA, dated 1 March 2022, was refused by notice dated 29 April 2022.
 - The development is a dropped kerb to create access to new driveway in place of front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the development has an adverse effect upon highway safety in the immediate proximity of the site.

Reasons

3. Number 173 Woodman Road comprises a semi-detached bungalow located on the southern side of the road and on its corner with Uplands Road. It has a return frontage to the latter and at the end of the rear garden there is an existing gated rear vehicular access. The proposal was for a dropped kerb to provide vehicular access on to Woodman Road. In that respect, the plans show the front garden being blocked paved and a dropped kerb located on the eastern half of the frontage adjoining No 175 Woodman Road. At the time of my site visit, the paving had been laid and a vehicle was parked on the frontage. However, no dropped kerb had been provided.
4. The appellant acknowledges that the frontage area is not of sufficient size to park at right angles to the road in accordance with the required standards. However, it is argued that there is plenty of space to park parallel to the road and that if necessary, the dropped kerb could be provided closer to the corner.
5. I observed at my site visit that the vehicle was parked parallel with the road on the frontage. However, in order to access or egress from that position, it would involve the vehicle effectively having to manoeuvre across the corner of the junction itself where there are currently double yellow lines in order to maintain visibility and free vehicle movement. I noted that there is on street parking on the western side of Uplands Road, which was fully occupied at the

time of my visit. Because of the relative narrow width of Uplands Road, this means that vehicles travelling in a northerly direction along that road approaching the junction are in the opposite carriageway. I also observed that Woodman's Road is reasonably congested with on street parking and was fairly busy, which the appellant also acknowledges. Taking all these factors into account I am of the view that the required manoeuvring of the vehicle to access the space could well result in conflict with other vehicles at the junction and cause highway safety issues as a result.

6. The alternative parking arrangement would involve a vehicle being parked at right angles to the road, as indeed I noted is the case at the adjoining property No 175 Woodman Road. However, because of the tapered nature of the frontages of both properties relative to the road, No 175 has a deeper frontage which can accommodate vehicles at right angles, albeit tightly. That would not be the case at the appeal property, with the potential danger of vehicles overhanging the public footpath which would cause conflict with pedestrian users, particularly those using pushchairs, wheelchairs or mobility scooters. Although I acknowledge that might not be the case with a small vehicle, there would be no planning control over a larger vehicle subsequently parking on the frontage in that arrangement.
7. A combination of the above issues leads me to find that the use of the frontage area for vehicle parking results in potential highway safety issues.
8. I acknowledge the number of other examples of frontage parking which the appellant has drawn my attention to and I observed many of these at my site visit. However, there is no evidence before me as to whether such parking has been authorised by way of planning permissions and in any event, they should not provide justification for a further access which in my view has a real risk of highway and pedestrian safety issues as set out above.
9. I am sympathetic to the personal situation of the appellant in respect of the desire to provide ease of access for a disabled relative. However, it seems to me parking at the existing access at the rear, does not involve a significant distance to access the property even if a rear door is not suitable from within the garden. I am also mindful that personal circumstances change over time, whereas permanent development does not.
10. I also note the reference to the desire to purchase an electric car. However, I see no reason why that could also not be accommodated from the rear and indeed in a more secure environment than on an open frontage.
11. I acknowledge the various policy support for making an efficient use of land and to reduce transport impact. However, that is not at the expense of highway safety and in any event, there is already existing off street parking at the property.
12. Notwithstanding the arguments in favour of the proposal, I am not persuaded that they outweigh the highway safety issues I have referred to. The development is therefore in conflict with Policies BE12, BE13 and BE14 of the Brentwood Local Plan 2016-2033 in that it has an unacceptable impact on highway safety and there is insufficient justification for accepting a substandard parking space. Accordingly, the appeal should be dismissed.

Kim Bennett INSPECTOR