

Appeal Decision

Site visit made on 8 March 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Reference: APP/1530/D/22/3310338

Land at 70 Vine Road, Tiptree, Essex CO5 0LT

- 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 J Bourne against the decision of Colchester Borough Council.
 - The application (reference 222078, dated 6 September 2022) was refused by notice dated 10 October 2022.
 - The development proposed is described in the application form as a "drop kerb to Vine Road to allow vehicle access to new gravel hardstand as outlined on block plan".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue to be determined in this appeal is the effect of the proposed development on highway safety and convenience.

Reasons

3. The appeal site is located in the northern part of the town of Tiptree, where very substantial residential development has been taking place. Indeed, development of the area is evidently still in progress. The appeal site is one of a group of substantial new houses with frontages to Vine Road and Grange Road but a large area to the south, on the opposite side of Grange Road appears to be designated for further growth. Houses on the opposite side of this section of Vine Road are older, however, and have existing dropped kerbs.
4. Both Vine Road and Grange Road are significant connecting routes and they seem likely to become busier as new development continues. The junction between them is managed by a small roundabout.
5. Although the new house at number 70 faces Vine Road, the appeal site forms part of a group of houses that is served by a small cul-de-sac which provides access to garages at the rear of the properties and their back gardens, from Grange Road. Thus, number 70 Vine Road is a substantial home on a good sized plot, with its own garage and private garden. Fences continues the line of the main front elevation of the house, approximately (but not precisely) parallel to the highway, thus creating a very modest front garden area that is

laid to grass, with some new planting along the edge of the footpath. Currently, there is no crossover to this plot. The immediate neighbours of the appeal site are broadly similar in character.

6. It is now proposed to create a new crossover (with dropped kerb) which would serve a parking bay (hardstanding) for two cars at the front of the house, with access directly from Vine Road rather than from the cul-de-sac.
7. Under the broad heading "Promoting sustainable transport", Section 9 of the 'National Planning Policy Framework' (2021) deals with a number of transport related issues. It points out the need to address concerns about the transport network (including in terms of "capacity and congestion") and to prevent significant impacts on highway safety. It is intended that congestion ought to be reduced (and hence that new development should not inhibit the free flow of traffic, in principle), but it is of particular importance to ensure that "safe and suitable access to the site can be achieved for all users" and to prevent any unacceptable impact on highway safety.
8. Policies in the Development Plan also address concerns about highway safety in both Sections 1 and 2 of the 'Colchester Borough Local Plan 2013-2033' (adopted in February 2021 and July 2022, respectively). Policy SP7 in Section 1 is concerned with design issues generally, including highway issues, whereas Policies DM15 and DM21 in Section 2 raise more specific issues of highway safety and convenience.
9. Other local Policies and Standards deal with parking bay dimensions (notably at Policy DM22 in Section 2 of the Local Plan). The relevant standard indicates that a car parking bay ought to have a depth of 5.5 metres, although it is acknowledged that a depth of 5.0 metres could be acceptable in "exceptional" circumstances.
10. The proposed dropped kerb and parking bay would enable cars to be parked conveniently near to the front door of the house but would require them to enter or leave the site in reverse gear. This would have a clearly adverse effect on safety and convenience for traffic on the road, especially as the site is located between two significant road junctions where such manoeuvring could cause confusion and conflicting vehicle movements.
11. On the other hand, the existing access at the rear of the plot (and its neighbours) provides a safe access to the site that is not particularly inconvenient for residents. I am therefore, convinced that the proposed dropped kerb and crossover is unnecessary and that it ought not to be allowed, because of the effect on highway safety and convenience.
12. The submitted "Block Plan" shows that the proposed new parking area would be set to one side of the house itself, in front of the existing fence. The minimum depth of the bay would be 5.0 metres but it would not be unduly onerous for the fence to be moved back, if that were considered to be necessary. The private garden would be reduced in area by a small amount but household amenities would not be significantly harmed.
13. It can also be noted that the proposed layout would undermine the attractive open character of the front garden areas to some extent (as a result of the cars being parked). Nonetheless, the construction materials would be appropriate

to the suburban location and more planting could be added. Overall, the effect on the character and appearance of the surroundings would not be so serious as to justify a refusal of planning permission.

14. In spite of these secondary considerations, I am convinced that the proposed works to create a crossover and parking bay would have an unacceptable impact on highway safety and convenience and, moreover, that the proposed scheme is unnecessary in any case. Hence, I have concluded that it would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Even though I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR