



Appeal Decision

Site visit made on 13 December 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/Z1510/W/23/3319678

223 Cressing Road, Braintree, Essex CM7 3PH

- 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 Darren Brett against the decision of Braintree District Council.
 - The application Ref 22/00523/HH, dated 28 February 2022, was refused by notice dated 15 March 2023.
 - The development proposed is described on the planning application form as "Dropped kerb and vehicle crossing in preparation for a driveway to the front of my house".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023, but there are no material changes relevant to the substance of the appeal.
3. The description of the development provided on the planning application form has been replaced by amended versions on the decision notice and in subsequent appeal documents. I have used the description as given on the planning application form as I consider that this accurately describes the proposal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is part of a pleasant suburban area, and includes a dwelling and front garden which face onto Cressing Road. On this side of the streetscape in the vicinity of the appeal site, the front garden boundaries are set back from the edge of the highway with an intervening grassed verge. This verge has a softening effect compared to other site boundaries which are set hard against the edge of the highway. The verge therefore makes a positive contribution to the appearance of the area.
6. The proposal consists of a relatively wide dropped kerb and vehicle crossing, which would remove much of the verge to the front. Due to the extent of the verge to be lost, this would introduce a stark extent of hard surfacing that

- would harm the contribution that the verge makes to the appearance of the area.
7. The appellant refers to this verge as consisting of an area of mud rather than grass, although the reasons for the current state of the land have not been presented to me. I also saw that nearby properties have been able to retain the grassed nature of the verge.
 8. The Council does not object to the principle of creating a dropped kerb and crossing to the front of the site, but it considers that the proposed width of the crossing is excessive. The Council refers to guidance from the Highway Authority which indicates that a smaller vehicular crossover would be acceptable which would retain a larger extent of the verge. I have had regard to the appellant's interpretation of the guidance and the width of the vehicle crossing, but this does not demonstrate that the width referred to by the Council is unsuitable for the appeal site. On the basis of the evidence before me, I consider that the Council's concerns about the width of the proposed crossing and the loss of verge are well-founded.
 9. The appellant refers to the manoeuvring of vehicles in association with the proposed driveway and the limitations of a reduced width of access. However, it has not been established that vehicle manoeuvres arising from the proposal would be unduly restricted or harmful to highway safety or to the amenity of residents of the site.
 10. Reference is also made to an area of hardstanding which could be constructed in the front garden under the property's permitted development rights. However, the introduction of this extent of hard surfacing adds weight to the benefits arising from the softening effect of the verge.
 11. The neighbouring property of 225 Cressing Road also has an extensive vehicle crossover and parking area. However, it has not been demonstrated that the circumstances of that site are a direct parallel to the appeal proposal, including in respect of the use of the site, which the evidence suggests is a business premises, as well as the lawfulness of the crossing as constructed. In any event, the access to the neighbouring site served to demonstrate the harm to character and appearance that can arise from an extensive loss of the verge.
 12. For the reasons given above, I conclude that the proposal would be of an extent which would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to the design and character requirements of Policies LPP1 and LPP52 of the Braintree Local Plan 2022. The proposal would also be contrary to the Framework in respect of achieving well-designed and beautiful places.
 13. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR