



Appeal Decision

Site visit made on 30 April 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/Z1510/W/23/3333753

3 Fifth Avenue, Bluebridge Industrial Estate, Halstead, Essex CO9 2SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr K Harding (Cardel and Grant) against the decision of Braintree District Council.
 - The application Ref is 23/01649/FUL.
 - The development proposed is a crossover dropped kerb to enable off street parking with permeable hardstanding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area, and
 - b) upon the safety and convenience of the users of the site and carriageway.

Reasons

Character and appearance

4. The appeal site is set within a commercial estate which is formed of medium to large sized brick and metal warehouses and sheds. It is a largely urbanised area excepting for the prevalence of well-maintained grass verges to the front of many units, some of which are planted with trees. Some of these verges and grassed areas feature picnic benches and tables. Overall, this has the effect of softening the otherwise functional working environment. The site itself is typical of this as it features a grassed frontage to Fifth Avenue and, moreover, it remains intact along this part of Fifth Avenue.
5. The proposal is for this frontage to be replaced with permeable paving that allows grass to grow through and around the paving. However, its ultimate effect would be to replace a green frontage with one that would be occupied with parked vehicles during hours of operation. This would remove an

attractive landscape feature amongst an otherwise urban and commercial setting. This green area is an unusual and welcome relief on an estate of this nature and its benefits were apparent at the time of my visit where staff sat out and enjoyed lunch outdoors.

6. The removal of this green space would be detrimental to the character and appearance of the area and undermine the relevance of the public realm. It would therefore conflict with policies SP7 and LPP52 of the Braintree District Local Plan 2021 (BLP) and provisions of the Essex Design Guide. These policies require development to create or contribute to a coherent sense of place that is well articulated and visually interesting and welcoming.

Safety and convenience

7. The proposed parking layout for the site frontage is constrained with the parking spaces not meeting the minimum dimensions to comply with the Essex Parking Standards. The arrangement of the spaces is such that vehicles would have to reverse out of the site onto the main carriageway. Whilst this is not an adopted road, it is clearly frequently used, including by large commercial vehicles and this may present an increased likelihood of collisions to the detriment of the safety of users.
8. Moreover, no provision has been made for pedestrian access to the building's front entrance which, in the indicated layout, would be blocked by a parked vehicle. Furthermore, some users may have difficulty accessing the front entrance whilst traversing the permeable paving.
9. For these reasons, I conclude that the proposal would be detrimental to the safety and convenience of users of the development and surrounding carriageway and would therefore conflict with BLP policies SP7 and LPP52 and the Essex Parking Standards. These policies promote the creation of well-connected places that prioritise the needs of pedestrians and cyclists above use of the private car.

Planning Balance and Conclusion

10. In reaching my conclusions here, I have had regard to the effects of a lack of parking on the appellant's business and that the surrounding streets have a high parking occupancy. I am not unsympathetic to this situation given that many customers may travel long distances. However, this does not outweigh the harmful effects the proposed development would have on the character of the area. I have also considered that electric vehicle parking provision would be offered, and this is to be welcomed, but even so, it does not alter my reasoning.
11. The proposal would be detrimental to the character and appearance of the area and would be neither safe nor convenient for users of the site or carriageway. It therefore conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR