



Appeal Decision

Site visit made on 8 October 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/U5930/D/24/3346101

72 Mornington Road, Chingford E4 7DT

- 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 Miss Sophie Jacques against the decision of the London Borough of Waltham Forest.
 - The application Ref. is 240253.
 - The development proposed is "formation of new vehicle crossover, reduce front garden levels and creation of car parking hardstand, new front entrance steps, path and boundary wall."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on highway and pedestrian safety and movement.

Reasons

3. The appeal site is located in the Chingford Station Road Conservation Area. It is a semi-detached dwelling on the south-western side of Mornington Road. Its semi-pair is no.70 to its south east. It stands at a slightly higher level than no.70, and no.74 is on higher ground than no.72. There are many instances of front forecourt (on-site) car parking at Mornington Road dwellings.
4. The proposed development includes the formation of a new vehicle crossover, a reduction of front garden levels, the creation of a vehicle parking hardstanding, new front entrance steps, a path and a boundary wall.
5. There is a statutory duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area when considering the impacts of a development proposal.
6. The character of the Chingford Station Road Conservation Area in the vicinity of the appeal site is partly created by dwellings with a similar design of canted ground floor window beneath a projecting continuous tiled porch, with major and minor canted bay first floor windows beneath deep projecting eaves, supported on brick corbels. There is often soft green landscaping in the front forecourt areas. Photographs dated 23 October 2023 from the appellant show some previous soft landscaping in the front garden of the appeal site. The proposed scheme would provide some soft landscaping and a sympathetic

boundary treatment in addition to the hardstanding area and I am of the view that this would adequately preserve the character and appearance of the Conservation Area.

7. Turning to the proposed crossover and on-site parking, the Waltham Forest Vehicle Crossover Application Guidance states at paragraph A1 that:

"The depth of the area you intend to park your vehicle, (forecourt/property frontage) within the property (measured at right angles (90 degrees) from the highway boundary (Where your garden wall, fence or hedge touches the pavement) to the nearest section of the property façade, (house brickwork, step or bay window) must be at least 4.8 metres to reduce the risk of vehicles overhanging the highway."

8. The nearest section of the property façade is the bay window exterior sub-cill. The relevant measurement to the back of the pavement is less than the required 4.8m. Some of the submitted plans show the distance as only 4.60m or 4.62m. The appellant highlights that the sub-cill is about 1.5m above the garden ground level and that at that height it is considered that it is a minor encroachment which should not be considered when measuring the parking bay length. It is said that it would not have an impact on parking a vehicle because any parked vehicle would lean away from the house as the parking bay would slope from the house down to the road.
9. I have considered these points but neither justify a departure from the Guidance in this case. I consider that the cill would potentially restrict a vehicle parking on the proposed hardstanding causing encroachment over the public footway. The rear of a private light vehicle can be vertical in shape. A sloped hardstanding would not necessarily avoid the need to have a minimum length of 4.8m for the on-site perpendicular parking space. Consequently, I am concerned that the proposed development would result in a parked vehicle overhanging the public footway and therefore lead to harm to highway and pedestrian safety and movement.
10. I conclude that the proposed development would result in unacceptable harm to highway and pedestrian safety and movement contrary to policy 66 and Appendix 1 of the Waltham Forest Local Plan Part 1 (adopted 2024) and the London Borough of Waltham Forest Vehicle Crossover Application Guidance (dated May 2022).

Conclusion

11. I have noted that other on-site perpendicular hardstandings with crossovers have been granted planning permission by the Council, nevertheless, I have determined this appeal on its own particular merits and circumstances as I am obliged to do, and I find that there would be unacceptable harm.
12. Having considered all relevant representations, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR