



Appeal Decision

Site visit made on 25 November 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/Z1510/D/24/3353547

59 Valentine Way, Silver End, Essex, CM8 3RX

- 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 Abigail Shilliam against the decision of Braintree District Council.
 - The application Ref is 24/00596/HH.
 - The development proposed is the creation of off-road parking and access.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on highway safety. The appeal site comprises a semi-detached house on a corner plot located within a residential area and within the Silver End Conservation Area. Like some of the other properties on Valentine Way, the appeal dwelling has no off-street parking within its curtilage and the appellant has to park on the 'grasscrete' parking bays that run parallel to and between the footway and carriageway on both sides along most of the length of the road.
3. The proposed development would create one on-site parking space which at 7m in length and 4m in width, would go beyond the 5.2m by 2.9m dimensions required in the Essex County Council Design Guide (ECCDG). It would be parallel to, and accessed over, a 6m long dropped kerb from Stretford Court, a short cul-de-sac at the side of the appeal site. The appellant's evidence indicates that a pedestrian visibility splay of 1.5m by 1.5m could be achieved in accordance with the ECCDG.
4. The appellant's evidence shows that the space could be accessed in both directions without reversing across the footway or the radius of the junction. A car would be able to manoeuvre into the space by driving in a forwards direction from Valentine Way into Stretford Court and then reversing back into the space. However, it follows that to manoeuvre out of the space, the vehicle would have to drive forwards into Stretford Court and then reverse out onto the carriageway of Valentine Way. Alternatively, the vehicle could turn around at the roundabout at the head of the cul-de-sac to enter the space in a forwards direction. That would require the vehicle to reverse into Stretford Court when leaving but would allow it to emerge onto Valentine Way in a forwards direction.

5. Valentine Way is a long straight road with dwellings along both sides and it provides access to three culs-de-sac. It also links School Road with Temple Lane, one of the main routes in and out of the estate. Opposite the junction with School Road, is a primary school. At the time of my visit in the middle of a weekday afternoon, whilst many vehicles were travelling at low speeds, Valentine Way was very busy with vehicles moving along the road, many vehicles parked in the parallel parking bays and a large number of manoeuvres taking place as parents collected children from school. There were also many pedestrians in the area and a number of those were crossing the road at various points. I therefore disagree with the appellant that this is a quiet estate road and certainly during school drop off and pick up times it seems very well used. Although there are double yellow lines around the junction with Stretford Court, during my visit I noted a large van parked in one of the bays close to the junction that obstructed the view when emerging onto Valentine Way. In these circumstances, any additional reversing onto the road would unacceptably increase the danger to drivers, other road users and pedestrians.
6. Stretford Court is a straight, narrow section of shared surface without footways that leads from Valentine Way for a distance of some 45m between the fenced side boundary of the appeal site and that of a property opposite, leading to a turning head with a grassed roundabout and access to some twelve or so dwellings, some with drives and some without. The narrow width of the road makes it difficult for vehicles to pass. This, together with the lack of a footway, would mean that any vehicle reversing onto the road from the proposed parking space would present a significant risk to pedestrians. In any case, I noted that there were several cars parked adjacent to the grassed verges around the turning head, making it difficult to manoeuvre around the roundabout and it is likely that this would deter drivers from doing so and emerging onto Valentine Way in a forwards direction.
7. It seems to me then that whichever way drivers might choose to enter and leave the proposed parking space, there would be a significant danger to other drivers and/or other road users and pedestrians. Whilst the proposal would be unlikely to generate a high level of vehicle movements, in these circumstances any increase would be unacceptable.
8. I have noted that a previous scheme for a parking space in front of the dwelling with access to and from Stretford Court that was refused by the Council on heritage grounds, was not objected to by the highways authority. Whilst that scheme would have required the vehicle to reverse into or out of the space, it would not have required reversing onto Valentine Way or manoeuvring around the head of the cul-de-sac and the current proposal therefore differs significantly in this regard.
9. Although the creation of an off-street parking space would remove the necessity for the appellant to park on Valentine Way, the highways authority has not indicated that the existing parking on Valentine Way causes a danger to highway safety and the harm caused by this proposal would outweigh any benefit from that.
10. As such, the proposal would cause significant harm in terms of highway safety, and would be contrary to development plan policy LPP52 of the Braintree District Local Plan 2013-2033 (2021) which requires that proposals address

highway safety concerns. It would also be contrary to policy DM1 of the Essex County Council Development Management Policies supplementary planning document which requires that proposals do not create a significant potential highway safety risk and to the National Planning Policy Framework which has a similar objective.

Conclusion

11. For the reasons given above, I conclude that the proposal would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector