The Planning Inspectorate

Appeal Decision

Site visit made on 27 November 2021

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date:1st December 2021

Appeal Ref: APP/V2255/D/21/3280744
69 Borden Lane, Sittingbourne, ME10 1BU

- 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 Callum Elliot against the decision of Swale Borough Council.
- The application Ref 21/501383/FULL, dated 1 March 2021, was refused by notice dated 20 May 2021.
- The development proposed is described as 'dropped kerb'.

Decision

1. The appeal is allowed and planning permission is granted for dropped kerb at 69 Borden Lane, Sittingbourne, ME10 1BU in accordance with the terms of the application, Ref 21/501383/FULL, dated 1 March 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 69 Borden Lane dropped kerb – Location Plan (Plan reference number TQRQM21071094127150); 69 Borden Lane dropped kerb; and, 69 Borden Lane dropped kerb (Plan reference number TQRQM21071093745635).

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal site comprises a two-storey end of terraced dwelling with a grassed frontage up to the rear of the pavement with a narrow footpath leading to the front door. It is located within the urban area of Sittingbourne, with the street scene characterised by a mixture of terraced, detached and semi-detached houses. Some of which have had provision made in front garden areas for off-street parking. Borden Lane is classified as a 'C' road, with no indication that the speed limit is anything above the maximum 30mph associated with most residential areas.

4. The local highways authority recommended refusal on the grounds that *'the proposals do not provide adequate facilities to enable vehicles to enter and exit the site in a forward gear, to the detriment of highway safety'.* The Local Planning Authority has echoed these concerns and refused permission as the

proposal is considered contrary to Policies CP4 and DM14 of the *Swale Borough Local Plan Bearings Fruits 2031* (adopted 2017) (SBLP).

5. However, I have not been directed to any specific policy that sets out that a turning area has to be provided within a site to make a proposal for a dropped kerb acceptable. Indeed, I saw during my site inspection that there are other properties along Borden Lane which are not served by a turning area or obvious space for one. Furthermore, it is unclear as to how the provision of a turning area would contribute positively to highway safety. Even were such an area provided, it would continue to be up to the driver of vehicles to decide whether to use it or not.

6. This fact is further compounded when one considers that the area to the front of No 69 Borden Lane is unlikely to be suitable for more than one or two vehicles to park off the highway. As such the quantum of traffic reversing onto or off Borden Lane, which is a highway subject to relatively low speeds, is unlikely to be of any great significance.

7. As such, in light of the above considerations, I find that the proposal would not result in an adverse impact on highway safety in terms of its users. Accordingly, the proposal would accord with the Policies CP4 and DM14 of the SBLP, which, amongst other aims, seek to ensure that development proposals reflect the positive characteristics of features of the site and locality.

Conditions

8. I have considered the two suggested conditions in light of the national planning policy and practice guidance. Conditions requiring the development to commence within three years of permission and in accordance with the submitted drawings are necessary and reasonable to provide certainty.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

Cullum Parker

INSPECTOR

Highways and Transportation
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Date: 16 April 2021

Swale Borough Council
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East Street
Sittingbourne
Kent
ME10 3HT

Application - SW/21/501383/FULL
Location - 69 Borden Lane, Sittingbourne, Kent ME10 1BU
Proposal - Dropped kerb

I refer to the above planning application and I recommend that this application be refused on highway grounds for the following reason(s):-

This proposal would result in a new access onto Borden Lane, which is a classified 'C' road. As such, a turning area would be required within the site, to allow sufficient manoeuvring space for vehicles to move in and out of parking spaces and exit the site in a forward gear. Although a proposed site plan has not been submitted, it is evident that sufficient turning room cannot be provided within the proposed driveway, which would lead to vehicles reversing off/onto the highway.

Consequently, I would recommend that this application be refused on highway grounds for the following reason(s):-

- The proposals do not provide adequate facilities to enable vehicles to enter and exit the site in a forward gear, to the detriment of highway safety.

Yours faithfully

Alison Coppin
Development Planner