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# Appeal Decision

Site visit made on 14 November 2016

by **G D Jones BSc(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 January 2017

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**Appeal Ref: APP/K2230/D/16/3158920**

**72 London Road, Northfleet, Gravesend DA11 9LF**

- 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 Peter Jones against the decision of Gravesham Borough Council.
  - The application Ref 20160529, dated 24 May 2016, was refused by notice dated 20 July 2016.
  - The development proposed is described as the proposed scheme is to provide a front drive with space for two parked cars comprising removal of part of the garden and replaced with a block paved surface, surface water drainage system and garden landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council has confirmed as part of the appeal process that although its reasons for refusal refer to Policy CS11 of the Local Plan Core Strategy, this policy relates to new built development. Given that the Policy concerns the mitigation of new developments' impact on the highway and public transport networks rather than the provision of new vehicular access to serve existing uses, I do not consider that it is directly applicable to the determination of the appeal.

## Application for Costs

2. An application for costs was made by Mr Peter Jones against Gravesham Borough Council. This application is the subject of a separate Decision.

## Main Issue

3. The main issue is the effect that the proposed development would have on highway safety, including whether allowing planning permission would set an unacceptable precedent for other development.

## Reasons

4. The appeal property is a house located on a reasonably busy arterial road that runs to the west of Gravesend town centre. Like the majority of the near neighbouring dwellings it does not have a vehicle access from London Road. There is a layby to the front of the site that extends from the neighbouring house, No 73, a reasonably considerable distance westward as far as No 61. This layby provides on-street parking as part of a residents' parking scheme.

5. Given the limited off-street residential parking nearby, it seems very likely that the layby is very well used. This is supported by the wider evidence and consistent with what I saw when I visited the area.
6. The creation of the double width access would affectively render the easternmost section of the layby, outside Nos 72 and 73, unusable for parking cars. This is because the significant majority of it would be kept clear in order to accommodate the access, while the remaining space would be so small that it would be very unlikely to be used for parking.
7. There would not be sufficient space to turn vehicles around within the confines of the site. Consequently, there is a good likelihood that the appeal development would result in vehicles reversing onto the highway.
8. The inter-visibility that could be achieved between the proposed drive and the adjacent footway appears to be adequate. This is a matter that could be controlled via planning condition. The easternmost portion of the layby that would be available, as described above, also appears to be sufficient for cars leaving the proposed drive to reverse into it without directly encroaching on the principal carriageway.
9. On that basis vehicles could safely reverse from the site into the layby and then join the carriageway in a westward direction. This type of manoeuvre from the layby onto the carriageway would be akin to what currently happens when vehicles that are parked in the layby join the main carriageway of London Road. Consequently, in this regard there would be no significant change in highway safety arising from the development.
10. In the event that the appeal development were to proceed, it is likely that vehicles would also be reversed from the principal carriageway of London Road onto the proposed drive. This sort of movement would also be similar to reversing manoeuvres associate with the existing use of the layby for parking. As such this aspect of the development would also be unlikely to have a significant effect on highway safety.
11. For vehicles leaving the drive in a forwards direction visibility to the carriageway to the east would be reasonably good due to the geometry of the road and parking/waiting restrictions that are in place. However, to the west visibility would be restricted by vehicles that are very likely to be parked in the layby for much of the time. This is illustrated by the 43m x 2m visibility splay shown on one of the drawings submitted by the appellant, which I note is informed by *Manual for Streets*.
12. In my judgement, these circumstances are such that inter-visibility between the proposed access and London Road to the west would be likely to be so constrained that, notwithstanding the likely modest level of use of the drive, there would be a significantly increased danger of collisions as a result of the appeal development due to this eastward manoeuvre. On this basis, highway safety would be unacceptably compromised.
13. I note that *Manual for Streets 2* states that a reduction in visibility below the recommended levels will not necessarily be a problem and that providing direct frontage access is unlikely to have significant disbenefits in road safety terms, and also the presence of highway features, such as the nearby pedestrian crossing, along with the accident records and stopping distances information which is before me. However, in the specific circumstances of this case given the acute extent to which visibility is likely to be constrained to the west of the proposed access and

the likely level of use of London Road, the proposed development would have a harmful effect on highway safety as outlined above.

14. I have also taken into account the appellant's wider evidence including that the scheme would reduce the number of manoeuvres into and out of the layby due to the reduced length that would be available for parking and that it may reduce the frequency with which service vehicles park/wait in the main carriageway of London Road. However, there is no evidence that such activities have a significant effect on highway safety at present. As such these points carry very limited weight and are substantially outweighed by the identified harm.
15. Nor am I persuaded that any vehicle movements to and from No 73 would be made significantly more safe as a consequence of the development. This is particularly bearing in mind that visibility, while potentially improved, would still be likely to be significantly constrained to the west and as it seems likely that reversing onto the principal carriageway of London Road would be necessary in order to travel westwards.
16. I also note the other vehicular access points in the surrounding area referred to in the evidence, both existing and planned. They all differ from the appeal development to some extent, particularly in regard to visibility. Each proposal must be determined on its individual merits and in any event I am not familiar with all of the planning circumstances associated with those other cases. Consequently, the evidence concerning these other cases does not alter my findings as set out above.
17. Any benefits associated with the principle of providing two off-street parking spaces would be at least counterbalanced by the loss of the communal parking that is currently available to the public and permit holders in the layby, which would result as a consequence of the development.
18. The refusal reasons also refer to conflict with the Council's Vehicle Accesses on Classified Highways Planning Guidance Note 2009 (the VAoCHPG). The evidence indicates that this document has not been formally adopted by the Council and that it has not been through any form of rigorous scrutiny or consultation process. I have also found no reason to believe that it forms part of the development plan. For these reasons, it carries only limited weight.
19. For the reasons outlined above, the proposed development would have a materially harmful effect highway safety. Consequently, in that regard, it would conflict with Policy T5 of the Gravesham Local Plan First Review November 1994 and with the VAoCHPG.
20. The Council is also concerned that if planning permission were to be granted for the appeal development this may set a precedent for other potentially unacceptable development. However, as outlined above, all applications for planning permission should be determined on their individual merits and I have found no justification to follow a different approach in this case.

### **Conclusion**

21. For the reasons given above I conclude that the proposal does not represent sustainable development and that the appeal should be dismissed.

*G D Jones*

INSPECTOR