

Appeal Decision

Site visit made on 23 September 2016

by Timothy C King BA(Hons) MRTPI

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

Decision date: 03 October 2016

Appeal Ref: APP/B1550/D/16/3154488

103 Down Hall Road, Rayleigh, Essex, SS6 9LN

- 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 Mrs Lauren Baker against the decision of Rochford District Council.
 - The application Ref 16/00333/FUL, dated 11 March 2016, was refused by notice dated 6 July 2016.
 - The development proposed is '*Dropped Kerb.*'
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site lies at the junction of Down Hall Road and Deepdene Avenue, and comprises a two-storey, semi-detached dwelling. I note that the Council's case report mentions that the property's front garden is largely soft landscaped with a large area of grass and planting. The situation has now changed as, at the time of my site visit, the front curtilage area had been fully block-paved with a dwarf wall running between two openings; one on Deepdene Avenue, which is facilitated by an existing, rather narrow, dropped kerb at a slight curve in the road, and the other onto Down Hall Road, where a new dropped kerb is proposed off a straighter section of road. In addition, beyond the far end of the property's side fence, is an access to a rear garage.
 4. Down Hall Road is classified as a Secondary Distributor on Essex County Council's Development Management Route Hierarchy. Accordingly, the County Council, as the highway authority, was formerly consulted on the proposal. Remarking that the property already enjoyed off-street vehicular access, the authority raised concerns with the consideration that vehicles entering/exiting Downhall Road via the proposed crossover would be unable to do so in a safe and controlled manner due to its siting in proximity to the junction. The response goes on to comment that a vehicular crossover at this point would likely lead to driver confusion as those turning at the junction would not be expecting to encounter vehicles manoeuvring onto and off a driveway in such a
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location. Citing that the proposal would thereby create conflict with other highway users the conclusion was that the additional vehicular access was unnecessary and planning permission should be refused.

5. The appellant has provided me with examples of other properties in Down Hall Road which enjoy vehicular crossovers. Following my site visit I looked at these, and also witnessed others along the street which I noted was, relative to its width, heavily trafficked and also used as a bus route. I have not been presented with details of the other crossovers' circumstances, insofar as to ascertain whether or not individual planning permissions were granted for such. However, one in particular, located outside the property at the junction of Down Hall Road and Hambro Hill would, on the face of it, give the appellant reasonable cause to draw a parallel. Nonetheless, the existence of a crossover close to what is clearly a busier junction does not confirm the acceptability of the appeal proposal. Even if vehicles were to enter and leave the property in forward gear, as the appellant has indicated would be the case, the proximity of the junction could still be potentially hazardous.
6. Although the appellant considers that the existing arrangements are not adequate, I am mindful that access is already gained to the property from Deepdene Avenue. From my observations I am satisfied that off-street parking provision relative to the size of the property can be achieved and, given the particular circumstances, I see no compelling need for the proposal which, moreover, would be likely to result in conditions prejudicial to highway safety.
7. I conclude that the proposal would potentially be harmful to highway safety, and this would be contrary to Policies DM1 and DM3, contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance.
8. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR