

Appeal Decision

Site visit made on 24 January 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 03 February 2017

Appeal Ref: APP/D1590/W/16/3161578

47 High Street, Shoeburyness, Southend-on-Sea SS3 9AW

- 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 & Mrs DeBond against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/00859/FULH, dated 17 May 2016, was refused by notice dated 26 August 2016.
 - The development proposed is request for permanent vehicle crossing at the property.
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Decision

1. This appeal is dismissed.

Main Issue

2. The main issue is the effect that the proposal would have on highway safety.

Reasons

3. The appeal property is a two storey semi-detached house. It would appear from visiting the site that the original design for Nos 45 and 47 included an integral garage. Whilst No 45 has retained the garage the appeal property has converted the garage to a habitable room. To the front of both properties is an area of hardstanding which is used for the parking of vehicles. As No 47 does not have a dropped kerb, access to the parking area is currently achieved by vehicles mounting the kerb and driving across the pavement.
 4. The Council have advised that Shoebury High Street is a Class C Classified road and that as a result the Highways Authority, for highway safety reasons, require vehicles entering or exiting the site to do so in a forward gear. As a consequence they advocate that if a crossover is to be created there needs to be sufficient space within a site to enable a vehicle to turn around. The space to the front of No 47 is limited and as a result vehicles using it would have to either reverse onto or off the front forecourt onto the High Street.
 5. The appellant has referred to the fact that when the house was originally built it included an integral garage for which access from the High Street would have been required. I have not been provided with the details of the original planning application and therefore do not know whether the issue of access to the garage was considered and why, at that point in time, it may have been judged acceptable to allow vehicles to reverse onto or off the site.
 6. I am required to consider the proposal in light of the current adopted planning policies, the current classification of the road and the current guidance all of
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which may have changed since planning permission for No 47 was originally granted.

7. Policy DM15 of the Southend-on-Sea Development Management Document (2015) (the DMD) advocates that access to a proposed development must not harm the surroundings and that traffic generated by a development must be accommodated safely. This is reinforced by specific guidance on crossovers provided in Supplementary Planning Document 1: Design and Townscape Guide (2009) (SPD1) and the Highway Authority's 'Vehicle Crossing Policy and Application Guidance'(2014). The purpose of this policy and guidance is consistent with the National Planning Policy Framework (the Framework) which seeks among other things to secure that safe and suitable access to a site can be achieved for all people.
8. Whilst I acknowledge that the appellant has been reversing on and off the site without incident for a number of years no evidence such as traffic surveys; accident records; swept path analysis or tracking details have been submitted to support their claim that doing so given the existing classification of the road, the current traffic levels and vehicles speeds does not affect the free flow of traffic which results in the highway safety concerns that the Council's Highways advisors have outlined.
9. I therefore conclude that, due to its location on a classified road and the inability of vehicles to enter/exit the site in a forward gear, on the basis of the current evidence before me the creation of a vehicular crossover in this location could impede traffic using Shoebury High Street and give rise to highway safety issues contrary to the Framework and policy DM15 of the DMD and the guidance provided in SPD1.
10. In coming to my conclusion I am aware that a number of other neighbouring properties also have similar sized front forecourts which are also being used for parking and that whilst some of these have a dropped kerb (No 37 and 49) most (Nos 33, 35, 39 and 45) like the appeal property did not. In addition the appellant referred to the existence of a number of other crossovers in the locality of the site and a local Councillor has also written supporting the appellant and citing the precedent set by these crossovers. However, no details have been provided regarding the planning histories for these properties therefore I do not know the circumstances as to when or why these crossovers were considered acceptable and granted planning permission.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, this appeal is dismissed.

Jo Dowling

INSPECTOR