

Appeal Decision

Site visit made on 19 December 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/U1430/W/16/3158971

Montcalm, Brightling Road, Robertsbridge TN32 5DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Alastair Clark against the decision of Rother District Council.
 - The application Ref RR/2016/1681/P, dated 20 June 2016, was approved on 18 August 2016 and planning permission was granted subject to conditions.
 - The development permitted is a detached garage with new cross over, single storey rear extension, conversion of existing garage and roof space, two storey extension to side.
 - The condition in dispute is No 6 which states that: Within one month of the new access being brought into use, the existing vehicular access shall be stopped up and the kerb and footway reinstated unless otherwise agreed in writing by the Local Planning Authority.
 - The reason given for the condition is: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies OSS4 (iii) and CO6 (ii) of the Rother Local Plan Core Strategy.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission has been granted by the Council on the basis of a new access being created as a replacement to that of the existing access at the appeal site. The appellant objects to condition 6 as he wishes to retain two access points to facilitate additional parking and does not consider it necessary to stop up one. Nonetheless, the Council contend that the omission of this condition and the retention of the original access would worsen highway safety in the locality.
3. Taking the above background into account the main issue is the effect that removing the condition would have on the safety of pedestrians and drivers entering and leaving the access and proceeding along the highway.

Reasons

4. The appeal site lies on a relatively busy classified road which leads to and from Robertsbridge and is a short walking distance west of Robertsbridge train station. On this part of Brightling Road vehicles park along the northern side of the highway alongside the pedestrian pavement and between existing driveway accesses. Although there are no parking restrictions in place to this part of
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Brightling Road the highway is of insufficient width to facilitate parking on both sides of the road.

5. I observed the north side of the highway to be mostly parked up at my visit. The appellant explains that people using the train park their cars along this stretch of highway as it is close to the station. This on-street parking creates a narrowing of this well-used vehicular highway restricting the free-flow of traffic in both directions. Only the westbound lane is available to vehicular traffic in both directions. I observed that vehicles parked along the highway create an obstacle to visibility to both on-coming traffic and pedestrians when entering and leaving the site.
6. I note the appellant has sought independent advice from the Local Highway Authority and has commented that the Council's subsequent consultation with the Local Highway Authority is new evidence that should not have been submitted to the appeal process. Nonetheless, it is the latest position and is extensively referenced in all parties evidence, and needs to be taken into account.
7. The existing driveway does not host turning within the site to enable the occupiers to enter and leave in a forward gear. Subsequent to planning permission having been granted for a new garage and access, the Local Highway Authority has confirmed that due to the positioning of the new garage this would not allow vehicles to turn within the site. Therefore, I am not satisfied that either the existing or proposed new access would meet highway standards that would enable vehicles to enter and leave the site in forward gear.
8. In terms of highway safety the condition has been imposed to ensure that there are no increased highway hazards to those that already exist. I observed that the appellant currently has space for three cars, one in the existing garage and two side by side on the existing driveway. The appellant contends that the new garage would only facilitate the parking of one car, as would the new driveway, but the driveway would be required for turning provision. Therefore, the appellant suggests that two vehicles would park on surrounding roads and add to the local parking problem and have a negative impact on safety.
9. However, based on the plans submitted the new garage is of a length in which two cars could park in tandem. The appellant has submitted an additional evidence document as part of his final comments, relating to Parking Standards. The appellant indicates that the size of the planned turning space exceeds that of a parking space. The Council has offered no further comment in respect of the Standards. Nonetheless, I accept that a vehicle could also park on the new access drive. As such, I cannot conclude that there would be a reduction in parking facilities at the appeal site if the current driveway were blocked up. Furthermore, the potential highway hazards created by the new access would be no greater than those that already exist at the appeal site when taken on its own.
10. The appellant highlights that the existing driveway accesses on Brightling Road are used as passing points for cars and assist the free flow of movement along the highway at busy times. The appellant contends that drivers' speeds increase as they attempt to pass the blockages created by the parked cars quickly. The proposed access would provide an additional passing place. I also note that the existing dropped kerb is shared with the adjoining property and

facilitates a long passing point for larger vehicles. I acknowledge that the removal of the existing access would reduce the length of this informal refuge point.

11. However, the removal of Condition 6 would allow the creation of an additional vehicular access. Whilst I observed that some other properties in the area have double access points, two accesses at the appeal site would facilitate more intensive vehicular movements over the pedestrian footpath and onto the highway between cars that park with regularity along the eastbound side of the highway. This would intensify the vehicular movements entering and leaving the appeal site increasing the conflict with pedestrians using the footpath and traffic on the highway. There would also be the potential for greater confusion in relation to vehicles slowing to enter the appeal site as to which access a driver intended to utilise. Notwithstanding the benefit of creating an additional passing point the retention of the existing access and the creation of a further access at the appeal site would have an increased harmful effect upon pedestrian and highway safety if retained. To prevent this the original access would need to be stopped up and, therefore, I consider condition 6 to be necessary.
12. I conclude that the condition is reasonable and necessary in the interests of safety of persons and vehicles entering and leaving the appeal site and to other road users. Although Policies OSS4 (iii) and CO6 (ii) of the Rother Local Plan Core Strategy have been highlighted by the Council in their condition reason, I consider Policy CO6 (ii) to be the most relevant. The development incorporating two accesses would conflict with this policy which seeks that all development avoids prejudice to road and/or pedestrian safety, amongst other matters.

Other Matters

13. I acknowledge the appellant seeks to modernise his property and wishes to create parking spaces to accommodate his expanding family needs and the new garage is intended to supplement the existing parking at the property, not reduce it. However, these benefits to the applicant would not outweigh the harm to highway safety that I have identified above.
14. The Council's statement confirms that the Council considered the application on the basis that the existing access would be discontinued but concedes that they misinterpreted the proposal in this respect. Nonetheless, the Council has considered the blocking up of the existing access to be necessary in the interests of highway safety.

Conclusion

15. It is acknowledged that the Council's pre-application advice was sought in this case and the extensions to the dwelling have been accepted by the Council. Nonetheless, for these reasons given above, I conclude that the appeal should be dismissed and the condition retained in its present form.

Nicola Davies

INSPECTOR