

Appeal Decision

Site visit made on 28 February 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 15th March 2017

Appeal Ref: APP/D1590/D/16/3165318
19 Bellhouse Lane, Leigh-on-Sea SS9 4PR

- 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 Ms C Gunn against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01434/FULH, dated 3 August 2016, was refused by notice dated 23 September 2016.
 - The development proposed is installation of drop kerb to Bellhouse Lane (Classified Road).
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Decision

1. The appeal is allowed and planning permission is granted for installation of drop kerb to Bellhouse Lane (Classified Road) at 19 Bellhouse Lane, Leigh-on-Sea SS9 4PR. The permission is granted in accordance with the terms of the application, Ref 16/01434/FULH, dated 3 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1668 01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, kerbside and footpath.
 - 4) Permeable paving shall be used for the hardstanding area unless otherwise agreed by the Local Planning Authority.

Main Issue

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

Reasons

3. Bellhouse Lane is a classified road, with a mainly residential character, comprising two-storey dwellings and some bungalows. No 19 is a two-storey mid-terrace dwelling, within a small group of similar properties at one end of the road close to the Southend Arterial Road.
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4. The proposal is for a vehicle crossover in front of the appeal property, together with removal of the front and side boundary walls and hard surfacing of the front garden to enable vehicle parking. *Supplementary Planning Document 1, Design and Townscape Guide* (the SPD) indicates that forecourt parking on classified roads will be required to include turning facilities or an 'in and out' drive for safety reasons (paragraph 172). The area in front of No 19 is not large enough to meet this requirement and, consequently, vehicles parked on it would need to exit in reverse gear, or alternatively reverse onto the forecourt from the road.
5. I note that similar-sized garden areas are used for parking by occupiers of a number of properties along this stretch of Bellhouse Lane. Several of these, including properties on the same side of the road as the appeal property such as Nos 7, 15 and 17, gain access via a vehicle crossover of the type sought in this case. Given that vehicles associated with these properties would also need to exit in reverse gear or reverse in from the road, this is not an uncharacteristic or unusual manoeuvre within the area.
6. Parking restrictions on this side of the road would mean that parked cars would not impede driver visibility when manoeuvring out of the space. Moreover, boundary treatments to the appeal property and its neighbours either do not exist to the front or are in the form of low fences, walls or hedges, including between properties. Consequently, the area has an open character that allows for good visibility for other road users and pedestrians as well as a driver entering and exiting the appeal property. I note in this regard that no evidence is provided concerning accidents on this stretch of road that already includes a number of crossovers for forecourt parking.
7. In summary, therefore, while Bellhouse Lane is a classified road, it has a 30mph speed limit and good driver and pedestrian visibility. Moreover, the type of vehicle movement resulting from the appeal proposal is commonplace in this part of the road and, consequently, pedestrians and other road users are likely to be alert to their occurrences. I acknowledge that the SPD guidance is provided in the interests of highway safety but I have had regard to it while also taking account of the particular circumstances that exist in this case. Therefore, taking all these factors as a whole, I conclude that the proposal would not result in unacceptable harm to highway safety. As such, there is no conflict with Policy CP3 of the Council's Core Strategy and Policy DM15 of the Development Management Document, as they relate to highway safety and parking. These policies are consistent with the National Planning Policy Framework.

Other Matters

8. I acknowledge the medical evidence provided by the appellant in support of the appeal. While I have had regard to this, given the above findings in respect of the main issue, this matter has not had a direct bearing on the outcome of the appeal.

Conditions and overall conclusion

9. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plan.

I agree that a condition is necessary which requires the materials used to match those of the existing property, as well as the pavement and kerbside, in the interests of the character and appearance of the area. I agree also that an additional condition is necessary in accordance with the Council's policies for permeable paving to be used for the parking area.

10. For the reasons given I conclude that the appeal should succeed.

J Bell-Williamson

INSPECTOR