
Appeal Decision

Site visit made on 18 April 2017

by Les Greenwood MRTPI

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

Decision date: 27th April 2017

Appeal Ref: APP/M1520/D/17/3168818

15 Kenneth Road, Thundersley, Benfleet SS7 3AU

- 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 Miss Helen Walker against the decision of Castle Point Borough Council.
 - The application Ref 16/0838/FUL was refused by notice dated 13 December 2016.
 - The development proposed is a dropped kerb at the front of the property to allow access to the front garden for parking.
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Decision

1. The appeal is allowed and planning permission is granted for a dropped kerb at the front of the property to allow access to the front garden for parking in accordance with the terms of the application Ref 16/0838/FUL, dated 2 November 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: 'Sketch Plan Approx. 1/100'.

Clarification

2. The description of development given on the application form is much longer than that stated in the heading above, covering matters which are not part of the development such as the site address and a justification for the proposal. I have extracted the key part of the description for use in this decision.

Main issue

3. The main issue is the effect of the proposal on the safety of public highway users.

Reasons

4. 15 Kenneth Road is a detached house on a corner plot with a gated access to the rear, from a cul-de-sac called Stoneleighs. The proposal would provide a new access drive at the front of the property, from Kenneth Road.
 5. Kenneth Road is a well-used urban route through this mainly residential area, subject to a 30mph speed limit. Many of the houses and businesses here have
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- direct access to the street. There is a bus stop just to the north of the site and a health clinic opposite, with access to its staff car park from Kenneth Road.
6. The Council is concerned about the potential for conflicting turning movements if an access is created so close to the junction with Stoneleighs. This short cul-de-sac serves only a small number of houses and even though it also provides on-street parking for visitors to the area it still appears to be very lightly trafficked. Kenneth Road is subject to a 30 mph speed limit here and visibility along the street is good. The new access would almost all be beyond the radius turnout of the junction. Intervisibility between the junction and the new access would be satisfactory, so that drivers should be aware of one another when on occasion the use of these 2 minor accesses coincides.
 7. For similar reasons neither the health centre access nor the bus stop should cause danger either. The situation that would be created here is commonplace within an urban environment. I see no reason why there should be significant danger to drivers, cyclists or pedestrians.
 8. The Council is also concerned that the proposed new access is unnecessary, as the property already has a rear access from Stoneleighs. I noted on my site visit that there is pressure for on-street parking in the cul-de-sac and accept the appellant's contention that this access is blocked by parked cars at times, reducing its usability. I am content in the circumstances of this case to leave it to the appellant to decide whether investment in a new access is necessary.
 9. I conclude that the proposal would not prejudice the safety of public highway users. It therefore accords with the highway safety aims of Castle Point Borough Council Local Plan Policies T2 and EC2, the Council's Supplementary Planning Document *Residential Design Guidance* Policy RDG12 and the National Planning Policy Framework.
 10. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed. I impose a condition specifying the relevant plan in order to provide certainty. No further conditions are suggested by the Council or appear to be necessary.

Les Greenwood

INSPECTOR