

Appeal Decision

Site visit made on 5 July 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/C1435/D/17/3173531

35 Framfield Road, Uckfield, East Sussex TN22 5AH

- 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 Andrew Levett against the decision of Wealden District Council.
 - The application Ref WD/2016/2591/F, dated 22 October 2016, was refused by notice dated 10 February 2017.
 - The development proposed is changing existing domestic garden to off road parking space for one car.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of proposed development as set out on the application form was somewhat lengthy and therefore in the interests of brevity I have used the description set out on the Council's decision notice in my formal decision above.

Main Issues

3. The main issues are: the effect of the proposal on highway safety along Framfield Road; and the effect of the proposal on the character and appearance of the area.

Reasons

Highway safety

4. The appeal property comprises an end of terrace house located on the northern side of Framfield Road and close to its junction with Alexandra Road. It has a front garden of limited size which is enclosed by a low wall and railings, similar to the adjoining property, No 37. The area is mixed in character with residential properties interspersed with commercial properties opposite the site and also at No 39, which is a hot food takeaway. Framfield Road is a classified B road.
5. The proposed development is essentially a new access on to the B2102 and involves the removal of the wall and railings and the formation of a paved hardstanding which would be permeable. The application was not accompanied by a detailed plan of the front garden area and there appears to be a lack of

certainty about its precise measurements from the evidence before me. The Council estimates that scaling from the block plan suggest the front parking space would be approximately 4.8m long x 3m wide. The appellant refers to a maximum length of 4.5m in paragraph 3.1 of the Grounds of Appeal although in a later letter dated 18 December 2016, refers to it being 4.78m at its longest x 4.4m in width. It is suggested that this is very close to the 4.8m x 2.4m size of car parking space as recommended by East Sussex County Council, which is the Highway Authority.

6. However, I note that the Highway Authority also requires a parking space to be 2.5m wide x 5m long in circumstances where a dropped kerb is to be installed, in order to ensure that a vehicle would not be likely to extend over the footpath. From my own observations on site, it seems to me that the length of the front garden is very limited, and whilst it may be able to accommodate a small car on the frontage, a larger family vehicle would be likely to extend over the public footpath. In my view, such a situation would be potentially dangerous as it would restrict the available space on the footpath, potentially causing pedestrians, including disabled users or mothers with pushchairs, having to step into the road. Such a scenario would cause traffic safety issues and without firm evidence to demonstrate that would not be the case, I find it would be unacceptable.
7. I note that the appellant suggests that a permission could be conditioned so that it would apply to private vehicles only. Such a condition may be impractical to enforce but in any event would not overcome my concerns that a large private vehicle may well extend over the footpath. I note references to other nearby frontages which are used for parking, and Nos 39 and No 50 Framfield Road have been drawn to my attention. However, I noted that No 39 is a wider frontage which would allow a vehicle to be parked at an angle if need be. Indeed that was also the case at No 50 where a vehicle was parked in just such a manner at the time of my site visit. I also note reference to other existing parking arrangements opposite and nearby, but the depth of frontages on those properties along Framfield Road, did not appear to be as constrained as they are in this situation.
8. Although it is suggested that the provision of an access would reduce unauthorised parking outside of No 35, there are currently double yellow lines on the northern side of the road at this point and the enforcement of that is primarily a matter for the regulating authority in that respect. The appellant also suggest that the access would create a convenient passing space for vehicles travelling along Framfield Road. However, that should be the case anyway given the presence of the yellow lines.
9. Finally on highway safety issues, although the Council refers to a lack of on-site turning facilities as part of the highway reason for refusal, I note that the Highway Authority did not specifically refer to that as a primary issue in recommending refusal. I would agree with that assessment given that the majority of existing parking arrangements would necessitate vehicles having to reverse on to the road, and there is no evidence before me that such circumstances have resulted in highway safety issues.
10. Notwithstanding the above, I find on this issue that the lack of adequate space for a parked vehicle would be likely to result in highway safety issues on

Framfield Road. The proposal would therefore be contrary to Saved Policy TR3 of the Council's Local Plan 1998 (LP) in that a satisfactory access could not be provided.

Character and appearance

11. The Council is concerned that the removal of the low wall and railings would break up the continuity of the street frontage and result in the removal of attractive features of the Victorian terrace. However, any continuity of the street frontage in the immediate locality has already been lost with the open frontage at the adjoining property No 33, as well as the nearby No 39, whilst those properties opposite also have substantially open and hard surfaced frontages. Whilst I agree that the loss of the enclosed garden and its Victorian features would be regrettable, I do not consider that such a loss would justify a refusal of permission in its own right, given the character which now exists in the locality.
12. The proposal would therefore be consistent with Policy EN27 of the Council's LP and guidance within the Wealden Design Guide 2008, in that it would respect the character of adjoining development and would not be harmful to the street scene.

Conclusion

13. Whilst I have found the proposal to be acceptable in some respects, the apparent limited space available for the parking of a car off the public highway would be likely to result in highway safety issues for the reasons set out above and conflict with Development Plan policy as a result. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR