
Appeal Decision

Site visit made on 4 July 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 17 July 2017

Appeal Ref: APP/K2230/D/17/3176554

20 Hartshill Road, Northfleet, Gravesend DA11 7DY

- 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 Mrs Rachel Young against the decision of Gravesham Borough Council.
 - The application Ref 20170203, dated 1 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is "Create vehicular access over the grass verge/footpath for access into our property."
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the area; and whether the proposal would comply with the Council's parking standards, and if not, the implications of this.

Reasons

Character and appearance

3. The appeal property is a two storey, semi-detached dwelling located within a predominantly residential area. Well maintained grass verges are a typical and repeated landscape feature along Hartshill Road and other surrounding streets. These run between the front boundaries of dwellings, including that of the appeal property, and the public footpath. They afford a strong verdant quality to the streetscene and contribute positively to the visual amenity and character and appearance of the area.
4. The proposal would introduce a vehicular crossover across the full width of the front garden of the appeal property to provide access for off-street parking. The grass verge would be replaced with hardstanding.
5. I have no reason to doubt that the works would be undertaken to a high standard. However, the permanent loss of the grass verge to hardstanding would erode considerably the verdant quality of the streetscape. This would result in significant harm to the visual amenity and character and appearance of the area.

6. I acknowledge that there are instances in the area where residents park on grass verges or drive over them to park within their front gardens. However, the unlawful parking of vehicles does not justify a planning permission. Moreover, such activity does not result in the permanent loss of these important and characteristic landscape features, even if a degree of damage occurs to them. I also accept that there are some examples of existing vehicular crossovers along Hartshill Road. Nevertheless, these tend not to occupy the full width of the associated dwellings and, consequently, these examples have not resulted in the loss of the grass verge to the front of these dwellings in their entirety. In addition, in the limited instances where there are full width crossovers, there is no substantive evidence to demonstrate that these benefit from planning permission. Also, it is my view that where these do occur, the loss of the grass verge in its entirety fails to respect the character and appearance of the area.
7. I have considered the Council's argument that the proposal would set a precedent for similar development in the area. Whilst each case should be treated on its own individual merits, I can appreciate the Council's concerns that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent but a realistic and specific concern, given that other front gardens in the area are of a similar size to that of the appeal property and could therefore accommodate off-street parking in a comparable manner. Allowing this appeal would make it more difficult to resist further planning applications for similar development and I consider that any cumulative effect would greatly exacerbate the harm that I have identified above.
8. I therefore conclude that the proposal would be contrary to Policy CS19: Development and Design Principles, of the Gravesham Local Plan Core Strategy 2014 (Local Plan). This policy requires, amongst other things, development to be visually attractive, locally distinctive and to conserve and enhance the character of the area.

Parking

9. The Kent County Council Kent Vehicle Parking Standards Supplementary Planning Guidance SPG/4 2006 (SPG) sets out the parking standards which are applicable to the Borough. Saved Policy P3 of the Gravesham Local Plan First Review 1994 (Local Plan); and Policy CS11: Transport, of the Core Strategy, require development to accord with these standards.
10. The Council sets out that the table within paragraph B8 of the SPG states that parking bays for cars should have a length of 5.0 metres (m) and a width of 2.5m. However, none of the paragraphs within the SPG are prefixed with 'B8'. Nor can I see a table which sets out the figures referred to by the Council. However, Appendix B: Design Guidance, of the SPG, contains a section titled 'Parking Bay Sizes'. A table within this section sets out the preferred sizes for parking bays. In respect of cars, these are 5.5m in length and 2.4m in width.
11. The size of the proposed parking area within the curtilage of the appeal property would be approximately 4.5m in length and approximately 8.2m in width. Thus, its length would fail to comply with the guidance of the SPG. On this basis, the proposal would also conflict with the requirements of saved Policy P3 of the Local Plan and Policy CS11 of the Core Strategy.

12. However, whilst this would be the case, and although I acknowledge the Council's concerns that any parked vehicle may overhang its land, it is unclear from the Council's evidence what harm it considers would arise as a result.
13. The introduction of Appendix B of the SPG sets out that the guidance is to ensure that vehicular parking is provided in a way that is safe, easy to use and does not unduly interfere with the operation and use of the public highway. I note that Kent County Council's Highways and Transportation Department considers the proposal acceptable in terms of its effect on the highway network. I have no compelling reasons to consider otherwise.
14. Thus, whilst the proposal would conflict with the SPG and relevant local planning policies in respect of parking, there is no substantive evidence that it would result in any other harm beyond that which would arise to the character and appearance of the area.

Other matters

15. The appellant suggests that the proposal was encouraged by Kent County Council's Highways Steward for Gravesham. Nevertheless, I have not been provided with any substantive evidence to support this claim. In addition, whilst I acknowledge that on street parking might at times make it more difficult for buses to manoeuvre along Hartshill Road, there is no compelling evidence to indicate that this is detrimental to highway safety. Moreover, the proposal would be unlikely to significantly change this situation in any case. Thus, I afford these matters limited weight and, as such, they would be insufficient to outweigh the harm to the character and appearance of the area.

Conclusion

16. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR