



Appeal Decision

Site visit made on 10 September 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/P1425/D/19/3231482

1 The Denes, Laughton Road, Ringmer, BN8 5NG.

- 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 Chris Mitchell against the decision of Lewes District Council.
 - The application Ref: LW/17/0422 dated 15 May 2017, was refused by notice dated 23 April 2019.
 - The development proposed is described on the application form as to clear an entrance off Laughton Road by dropping the kerb. The grass verge is owned by highways so affectively we would be putting in a cross-over in. The driveway itself would be block paved either with standard block paving or if needs be permeable paving. The area would only take up half of the garden. This would then allow my wife and child to get out of the car safely and not have to walk onto the busy Laughton Road which has become extremely busy. (Currently this dwelling is the only one on Laughton Road not to have its own driveway).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the safety and convenience of users of the adjacent highway network.

Reasons

3. The appeal property is one of a pair of semi-detached cottages set back from Laughton Road, with a garden to the front separated from the highway by a hedge. Pedestrian access to the property is via a short bridge over a shallow ditch running adjacent to the frontage. Vehicular parking for the property is sited adjacent to that for No. 2 The Denes, with a shared vehicular access off Laughton Road. Laughton Road is a classified road (B2124) subject to a 40 mph speed restriction along the stretch past the appeal property and has a grass verge either side.
4. Pedestrian access to the parking area for the appellant and family is via the bridge and the grass verge adjacent to the vehicular highway. The proposed development is to provide a parking area for the appeal property by paving the front garden area and constructing a cross over from the road.
5. The Highway Authority objects to the proposed development noting that whilst a vehicle would be able to park within the proposed area vehicles would not be able to turn around due to the space available between the house and the limits of the public highway. As a consequence, the Highway Authority

contends that vehicles accessing the driveway would have to reverse onto or off the public highway, with a consequent addition to the hazards of highway users. This objection formed the basis of the Council's reasons for refusal of planning permission for the development.

6. The appellant has provided a drawing showing the dimensions of the proposed parking area as being 8.2 m between the front of the dwelling and the public highway and 9.0 m wide. I have no reason to doubt these measurements. However, I am not persuaded that there is adequate room for a vehicle that entered the property in forward gear to be able to turn around so as to be able to exit the property in forward gear, at least not without complex manoeuvres that would be likely to deter the driver of the vehicle from undertaking them.
7. Accordingly, I share the Highway Authority's and Council's concern that the proposed development would lead to vehicles either exiting the property in reverse gear or stopping on the highway so as to reverse into the driveway. It is clear to me that a vehicle reversing onto the highway or stopping on it and reversing would be dangerous for the occupants of the vehicle undertaking the manoeuvre and a hazard to other users of the highway.
8. Paragraph 108 of the National Planning Policy Framework (the Framework) requires, in assessing specific applications for development, it be ensured that safe and suitable access can be achieved for all users. The paragraph also requires that any significant impacts from the development on highway safety can be cost effectively mitigated to an acceptable degree. The proposed development would not provide a safe access for all users and no mitigation proposals have been put before me.
9. Policy ST3 of the Lewes District Local Plan (2003) (LDLP) sets out a range of criteria with which development requiring planning permission will be expected to comply. These include that development should not result in detriment to the character or the amenities of an area through increased traffic levels, congestion or hazards.
10. The proposed development would result in an additional substandard access onto Laughton Road. I acknowledge that the existing parking area for the appeal property has inadequate turning space such that its use already represents a hazard for users of the highway. I am not persuaded that the proposed development would necessarily result in any increase in use overall nor in on-street parking.
11. Nevertheless, given the impact on highway safety I have identified above, I conclude that the proposed development would be contrary to paragraph 108 of the Framework. Paragraph 109 of the Framework allows development to be refused on highway grounds if there would be an unacceptable impact on highway safety. Due to the increase in hazards for users of the highway I also conclude that the proposed development would be contrary to Policy ST3 of the LDLP.

Other matters

12. The appellant's desire to provide a safer access to the appellant's existing parking area than the current arrangement of walking along the highway verge is acknowledged. I also note the appellant's contentions that the appeal property is the only one on Laughton Road without its own driveway and that

the age and quality of the existing access cause vehicles to almost come to a stop to access it.

13. However, in conclusion, the proposed development would lead to increased hazards for both occupants of vehicles when using it and existing users of Laughton Road. I do not consider that the appellant's justification for the development nor the lack of objection from Ringmer Parish Council are sufficient to outweigh this detrimental effect on highway safety.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR