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# Appeal Decision

Site visit made on 25 September 2019

**by Neil Smith BA Hons BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 December 2019**

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**Appeal Ref: APP/L2250/W/19/3232016**

**82 Seabrook Road, Hythe CT21 5QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mrs Lois Cavallaro against Folkestone and Hythe District Council.
  - The application Ref Y19/0232/FH is dated 28 February 2019.
  - The development proposed is described as the provision of hardstanding to the front of the property to provide off-street parking along with an associated access onto a primary road.
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## Decision

1. The appeal is dismissed and planning permission for the provision of a hardstanding to the front of the property to provide off-street parking along with an associated access onto a primary road is refused.

## Application for costs

2. An application for costs has been made by Mrs Lois Cavallaro against Folkestone and Hythe District Council. This application is the subject of a separate Decision.

## Procedural Matter

3. I have altered the description of development used in the heading to be more precise as it more succinctly describes the appeal proposal.
4. I saw from my site visit that a hardstanding and front boundary wall have been constructed. The hardstanding and wall reflects the plans that were submitted at planning application stage and I have determined the appeal on this basis.
5. Since the submission of the appeal, the Council has indicated its subsequent assessment of the application and that it would have refused planning permission had it still been in a position to do so. I have determined the appeal on that basis.

## Main Issue

6. The main issue is the effect of the proposal on highway safety, and with particular regard to the free and safe movement of vehicles, cyclists and pedestrians.

## Reasons

7. Seabrook Road is a principal road, classified as the A259, which links New Romney and Folkestone. This section of Seabrook Road is relatively straight with footpaths on both sides of the carriageway and there is a bus stop close by. I saw from my site visit that there are no parking restrictions, however there is a single white line on the edge of the carriageway which discourages parking due to the existence of a crossover at the adjacent property, No 80.
8. The appeal driveway is bounded on both sides by tall hedgerows. There is a short front boundary wall which has three brick pillars, one either side of the crossover and one of which forms the boundary with No 84.
9. I note the Council's position that new crossovers onto classified roads such as Seabrook Road should be kept to a minimum and should provide adequate visibility splays and be acceptable in safety terms. Whilst the appellant has submitted a drawing illustrating visibility splays measuring 2.4 metres x 43 metres, the submitted drawing shows the splay measured at the edge of pavement and not measured from 1 metre out from the nearside kerb. It does not show that a pedestrian visibility splay of 2m x 2m on either side of the access can be achieved and shows a vehicle protruding over the footpath. Given that visibility for drivers would be obscured by the brick pillars and the hedgerows, I have concerns over highway safety when drivers are exiting the driveway.
10. Whilst the driveway is relatively wide it does not meet the minimum dimensions normally required to safely allow vehicles to turn and exit safely in forward gear. The width of the driveway, however, would be capable of accommodating more than one vehicle parked side by side. In this instance it would be inevitable that vehicles would have to reverse onto the highway. Whilst the appellant states that the driveway would serve a single dwelling and that the number of movements are relatively low, this would not prevent future occupiers from having more than one car parked on the driveway.
11. The appellant contends that the actual speed of vehicles travelling along this road is less than the 30mph limit, although there is no evidence before me to that effect. My attention has also been drawn to research presented within Manual for Streets (MfS), suggesting that there is no direct correlation between highway safety and vehicles turning into and out of driveways. Be that as it may, there is no detailed site specific information before me to enable me to draw such a conclusion in this particular case. I am unconvinced that the proposal is in the best interests of highway safety for the reasons outlined above.
12. The appellant has drawn my attention to the crossover at No 80 and to several other vehicular crossovers at residential properties in the vicinity. Indeed, I did note numerous examples during the site visit along the road. Moreover, while I acknowledge that road users may be familiar with the existing vehicular access points, this does not mean proposals which fail to provide adequate visibility splays are good examples of development to follow. Accordingly, they do not justify the appeal proposal.
13. The appellant has also stated that a dwelling with access directly off Seabrook Road has recently been constructed. I have not been provided with the detail of this development and the particular circumstances which may have applied. In

any event, the fact that a similar development has been granted planning permission is not, on its own, a reason to allow harmful development. I have therefore determined this appeal on its own merits. I have also had regard that an electric charging point could be installed in the future, and that vehicles parked on the highway have been involved in incidents. Together these do not alter or outweigh the harm identified.

14. The proposal would be harmful to highway safety of pedestrians, cyclists and other road users. Consequently, the proposal conflicts with Policy TR11 of the Local Plan Review (16 March 2006) which require, amongst other things, the access is not detrimental to the safety of vehicle traffic, cyclists and pedestrians.

### **Conclusion**

15. For the reasons given above the appeal is dismissed and planning permission is refused.

*Neil Smith*

INSPECTOR