The Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2020

Appeal Ref: APP/L2250/D/19/3239777
96 Seabrook Road, Hythe, Kent CT21 5QD

- 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 Peter O'Neill against the decision of Folkestone and Hythe District Council.
- The application Ref Y18/1057/FH, dated 14 August 2018, was refused by notice dated 16 August 2019.
- The development proposed has been described as extending the existing driveway to become an in-out driveway with a new access onto the road, relevelling the existing parking area and constructing a new access as far as the pedestrian walkway (pavement) and then extending the dropped kerb to the road. The finish will be in block paving.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description used in the heading above is an abridged version of that which was used on the application form, excluding some unnecessary and subjective content. Different descriptions have been included within the Council's Decision Notice and the Appeal Form, but confirmation has not been provided that either of these have been agreed. I have therefore proceeded on the basis of the original application form.

Main Issue

3. The main issue is the effect of the development on highway safety with particular regard to the visibility available to users of the access.

Reasons

4. The appeal site is located within a residential setting and, like other properties within the street, takes its vehicular access from Seabrook Road. The surrounding area features a mixture of boundary enclosures, including low stone walls, railings and fences.

5. The dwelling at the appeal site is set back from the road at a ground level that is below that of the road, with the intervening land sloping to reflect the changing ground levels. The site has an existing access that is located close to the side boundary that is shared with 98 Seabrook Road. Hardstanding exists across the frontage of the appeal site, leading from the existing access to an opening at the opposite side of the site. The frontage of the appeal site,

similar to the neighbouring property of 94 Seabrook Road, features a fence at the front boundary with a hedge set behind it.

6. The appeal relates to the proposal to create a second point of vehicular access onto the carriageway. This would enable the creation of an in-out driveway, utilising the existing hardstanding.

7. Although the appellant states that the proposed access would be used for people entering the site only, this could not be controlled. Any person leaving from this point would be dependent on views in both directions to enable safe entry to the road. The existing fences and vegetation at the front of both 94 and 96 Seabrook Road obscure the required views and as such the use of the access would not be compatible with the safe use of the highway.

8. Whilst a small part of the indicated visibility splay crosses the property of 98 Seabrook Road, the appellant would have the opportunity to alter the boundary treatments and landscaping at the frontage of the appeal site in order to provide a reasonable degree of visibility in one direction. However, the same would not be possible in the other direction as the visibility splay crosses the frontage of 94 Seabrook Road. Whilst the appellant has indicated that the owner of that property is willing to make alterations to the frontage of the site, as the land is outside the appellant's control, it is not possible to secure these alterations or prevent the future obstruction of the visibility splay. It is therefore uncertain that users of the access would have adequate visibility of the highway.

9. The appellant has suggested that the use of the access would be safer than the continued use of the existing access, which is reliant on vehicles being reversed into the highway. However, as it would not be possible to provide adequate visibility splays, the evidence before me does not indicate that there would be an uplift in safety for all users of the highway that would justify granting planning permission.

10. For these reasons, the development would have an unacceptable effect on highway safety, with particular regard to the visibility available to users of the access. The proposal is therefore contrary to policy TR11 of the Shepway District Local Plan Review 2006 which requires that developments involving the creation of a new access are not detrimental to the safety of vehicle traffic, including cyclists.

11. As Policy T1 of the emerging Places and Policies Local Plan 2018 appears to relate to major developments, it does not appear to be relevant to this proposal. This does not however alter the assessment I have made in relation to the adopted policy referred to above.

Conclusion

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

Ian Harrison

INSPECTOR