
Appeal Decision

Site visit made on 10 December 2019 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/D1590/D/19/3237680

651 Prince Avenue, Westcliff-on-Sea, SS0 0JB

- 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 T Bacon against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01168/FULH, dated 23 June 2019, was refused by notice dated 6 September 2019.
 - The development proposed is a drop kerb on a classified road.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons for the Recommendation

4. The appeal site is a terraced dwelling located on a classified road, Prince Avenue. There is currently a driveway to the front of the property with a grass verge between the site and the road. The proposal includes a dropped kerb to provide a vehicle crossover along the highway frontage of the appeal property. The new crossover would replace the existing grass verge and bollards between the classified road and the footway to provide vehicular access to the appeal site.
5. The Council's Vehicle Crossing Policy and Application Guidance (2014) states that the parking area required next to a classified road should be a minimum of 8 metres by 8 metres to ensure that vehicles can turn sufficiently and drive out forward onto the highway. The dimensions of the driveway shown on the plans are substantially less than this.
6. The appellant states that the existing driveway is sufficiently sized to allow a vehicle to enter, turn and exit the appeal site using the new crossover in forward gear. However apart from some photos, which are largely inconclusive, few details have been provided to support these assertions. The driveway to

the front of the property is modest in size and the limited space would restrict the opportunity for a vehicle to turn around without using the neighbouring drive, which could have cars parked on it, or the footway. This would be further impeded if two vehicles were to be parked on the driveway. Therefore, it would be likely that the driver would be required to reverse into or out of the site onto the adjacent highway which is a busy road with a high volume of traffic and a relatively high-speed limit of 40mph. I therefore conclude that the proposed development could result in an unacceptable risk to highway safety.

7. It was noted during the site visit that there are several properties along this stretch of Prince Avenue with dropped kerbs, including the adjoining neighbouring property, No.649 Prince Avenue. Indeed, the appellant has stated that planning permission has recently been granted for a similar crossover and driveway at No.643 Prince Avenue, even though there is also a shortfall in the space required to turn a vehicle and a protected tree on the site. Although I understand that this decision may seem contradictory, and the presence of the other dropped kerbs nearby may appear to set a strong precedent, I must primarily consider the proposal on its own merits. As I have found that the development would harm highway safety, the existence of other examples does not lessen that harm.
8. The development would therefore be contrary to Policies KP2 and CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015) which collectively seek to improve road safety by encouraging the effective use of land in a safe and sustainable manner. It would also be contrary to the Vehicle Crossing Policy and Application Guidance (2014) as set out above.

Other Matters

9. It has been highlighted that the Officer's Report has incorrectly named the road, in which the crossover will provide access. However this is only incorrect in one instance within the report and all other references to the location of the appeal site are correct. Therefore, it is unlikely that this error would have any bearing on the overall outcome of the decision made by the Council.

Conclusions and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR