



Appeal Decision

Site visit made on 11 February 2020

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

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/E2205/W/19/3240600

69 - 73 Hunter Road, Willesborough, Ashford, TN24 0RT

- 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 E Cyster against the decision of Ashford Borough Council.
 - The application Ref: 19/00349/AS dated 13 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is described as 'Provision of a vehicular crossover to allow off-street parking for 3 houses in the same ownership. Street parking is an issue in this residential street and a number of houses adjacent have already been granted consent for the same projects'.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of a vehicular cross-over to allow off street parking for 3 houses at 69 – 73 Hunter Road, Willesborough, Ashford, TN24 0RT in accordance with the terms of the application, Ref: 19/00349/AS dated 13 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plan: 01 P2 Existing and Proposed details.

Procedural Matters

2. The description of the development in the banner heading above is taken from the application form. However, I have used an abbreviated form of the description in my decision omitting the details that do not relate specifically to the development proposed. As this is the description used by the Council on its decision notice and by the appellant on the appeal form, I am satisfied that there is no prejudice to either parties' case in this approach.

Main Issues

3. The main issues are the effect of the proposed development on i) the safe use of the highway by pedestrians and vehicles and ii) the character and appearance of the appeal properties and area.

Reasons

Use of the highway

4. The proposed development would result in areas of hardstanding to each of the three appeal properties measuring approximately, from the evidence before me, 3.5 m deep. The proposed parking areas would therefore fail to meet the minimum depth standard of 5 m set out in the Council's Residential Parking and Design Guide (2010). Consequently, parked vehicles may overhang the footway.
5. I observed during my site visit a number of vehicles parked on forecourts that encroached slightly on the footway, but none of these represented, in my judgement, a significant hazard for pedestrians. The Council has not provided any evidence of any accidents occurring as a result of vehicles overhanging the footway. I am not persuaded, therefore, that the creation of parking areas as proposed would have a significant effect on the safe use of the footway by pedestrians as a consequence of vehicles overhanging the footway.
6. I also observed during my site visit numerous vehicles parked on the same side of the street as the appeal property. As a result, although the appellant has demonstrated that visibility splays of 2 m x 43 m in either direction are achievable in theory, in practice parked vehicles would restrict visibility in either direction for drivers of vehicles exiting the proposed parking areas.
7. However, the appellant has drawn my attention to paragraph 7.8.3 of the Manual for Streets (MfS) which notes that the absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. Although this paragraph refers to potential conflict with pedestrians, in my judgement the principle would also apply to potential conflict with vehicles on the highway; drivers exiting the proposed parking areas could reasonably be expected to be cautious.
8. Furthermore, paragraph 7.8.5 of the MfS notes that parking in visibility splays in built-up areas is quite common but does not appear to create significant problems in practice. The appellant has provided evidence that only one accident had occurred along Hunter Road in a 3-year period and that this was deemed to be 'slight' in severity. The Council has not provided any evidence to demonstrate that the use of the existing off-street parking areas in Hunter Road or elsewhere has significantly affected the safety of vehicles using the highway. In addition, I noted during my site visit that Hunter Road is subject to a restricted speed limit of 20 mph, which would reduce the potential for collisions.
9. Therefore, from the evidence before me, I am not persuaded that the presence of parked vehicles either side of the proposed parking areas would result in a significant likelihood of accidents between exiting vehicles and vehicles already on the highway.
10. I therefore conclude that the proposed development would not unduly compromise the safe use of the highway by pedestrians and vehicles. Accordingly, I find no conflict in this respect with Policy TRA7 of the Ashford Local Plan 2030 (2019) (ALP) which restricts new accesses on to the road network if a clear risk of road traffic accidents or significant traffic delays would be likely to result.

11. Although the development would not accord with the Residential Parking and Design Guide, this is guidance only and the weight I can attach to it is less than that of the development plan. I also find no conflict with paragraphs 108 c) or 110 c) of the National Planning Policy Framework (the Framework) in respect of highway safety.

Character and appearance

12. Hunter Road is lined either side by a combination of detached, semi-detached and terraced properties set back from the footway, creating a consistent pattern of development. Some of the dwellings retain their original formal front gardens enclosed by low brick walls, which originally would have added considerably and positively to the character and appearance of the street.
13. However, as drawn to my attention by the appellant and as I observed during my site visit, the front gardens of a substantial proportion of the dwellings on both sides of Hunter Road have been replaced by hard standings. These hard standings are sufficient in number to form part of the now established character and appearance of the area.
14. The loss of the front gardens from the three appeal properties and their replacement with parking areas would therefore not be significantly harmful to the character and appearance of Hunter Road. I therefore conclude that the proposed development would not conflict with Policy SP6 of the ALP, which sets out that development proposals must be of high-quality design and demonstrate a consideration of and a positive response to, amongst other matters, character, distinctiveness and sense of place. I also find no conflict with paragraph 127 c) of the Framework which requires planning decisions to ensure that developments are sympathetic to local character.

Conditions

15. Planning permission is granted subject to the standard three-year time limit condition. It is also necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have not attached a condition regarding visibility splays as requested by the Council as, for the reasons given above, I do not consider such a condition to be necessary to make the proposed development acceptable.

Conclusion

16. For the reasons given above the appeal is allowed and planning permission is granted subject to conditions.

Martin Small

INSPECTOR