
Appeal Decision

Site visit made on 23 June 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/A2280/W/19/3243796

325 Woodlands Road, Gillingham ME7 2TA

- 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 Miss Holly Windsor against the decision of The Medway Council.
 - The application Ref: MC/19/2735, dated 15 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is described as a front garden with hard standing block paved with appropriate drainage and tarmacked drop kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development upon highway safety.

Reasons

3. The appeal site consists of a terraced dwelling, set back from the edge of the highway. There is an area of hardstanding in front of the property. Dwellings within the vicinity are set back from the highway edge, albeit by varying amounts. A number of these feature areas of hardstanding. Some of these are used for car parking, served by a dropped kerb. The appeal site is also near to a bus stop.
4. Owing to the relatively small set back from the highway, and the presence of a bay window at the appeal site, parked vehicles of greater lengths are likely to overhang the pavement to some degree. This poses a concern as it would reduce the amount of space available for use by pedestrians. Whilst there may be space next to the bay window, the submitted plans show that the dropped kerb would encompass most of the plot's width. In result, the possibility of vehicles being parked in front of the bay window cannot be discounted.
5. In consequence, should a larger number of pedestrians congregate at this point, or have items such as push chairs, some individuals are likely to need to walk in the road in order to pass. Although not all the pavement would have vehicles overhanging it, the remaining pavement would not be sufficiently wide to simultaneously accommodate groups of pedestrians.
6. This would not be desirable as it would increase the likelihood of pedestrians coming into conflict with motor vehicles. In addition, the site is near to a bus stop. This means that, at times, visibility of pedestrians and on-coming vehicles

- would be reduced, which would have an adverse effect on highway safety. I also note that a number of dwellings on both sides of the road do not feature off street car parking, which is likely to increase the number of vehicles parked on the road.
7. The submitted evidence shows that a single, larger car parking space could be accommodated on the site. However, to access this space a convoluted manoeuvre would be required. In result, it is unlikely to represent a convenient alternative and as such, the parking of vehicles that partly overhang the pavement cannot be discounted.
 8. It appears that the appellant would be able to fit the vehicles that they currently own onto the proposed parking area, without overhanging onto the pavement. However, there is no mechanism by which the size of vehicles owned by future occupiers of the property could be secured. In result, the possibility of a larger vehicle being parked at the dwelling cannot be discounted.
 9. My attention has been drawn to some other driveways in the vicinity, in addition to one at the property neighbouring the appeal site. I do not have the full information regarding the planning circumstances of these, which lessens the weight that can be attributed to them.
 10. Notwithstanding this, I note that many of the cited examples occur in a part of the street that is close to an area with parking restrictions, and without a bus stop. In consequence, there is a greater likelihood of there being suitable pedestrian visibility. Furthermore, a larger number of properties within this section of the street feature off road car parking and dropped kerbs. Therefore, the number of vehicles parked on the street is likely to be different than in the vicinity of the appeal site.
 11. I am aware that the neighbouring property to the appeal site features a driveway of a similar size to that before me. However, this means that potentially two neighbouring driveways could be used simultaneously. Therefore, should larger vehicles be parked on both driveways, this would increase the distance that pedestrians would need to walk within the road. This would exacerbate my previous concerns.
 12. I acknowledge that the proposal would reduce the need for vehicles to park on the street, which is of some benefit. However, given the type of development, such benefits are limited. Furthermore, as there is a local planning policy requirement that new developments do not adversely affect highway safety, such benefits are outweighed by the previously identified harm. The local planning policies are also consistent with the requirements of the National Planning Policy Framework (the Framework).
 13. I therefore conclude that the proposed development would have an adverse effect on highway safety. The development, in this regard, would fail to comply with the requirements of Policies T1, T2 and T13 of the Medway Local Plan (2003) and the Framework. Amongst other matters, these policies seek to ensure that developments make vehicle parking provision; that developments do not significantly add to the risk of road traffic accidents; and not be detrimental to the safety of vehicle occupants, cyclists, and pedestrians.

Other Matter

14. I acknowledge concerns raised by the appellant regarding the manner in which the planning application was considered by the Council. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Conclusion

15. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR