
Appeal Decision

Site visit made on 10 August 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/X1355/W/20/3251571

56 Whitehouse Court, Easington Village, Durham SR8 3HZ

- 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 John Gallagher against the decision of Durham County Council.
 - The application Ref DM/19/00806/FPA, dated 12 March 2019, was refused by notice dated 27 April 2020.
 - The development proposed is described as "Drop Kerb Driveway Front of House".
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Decision

1. The appeal is allowed and planning permission is granted for Drop Kerb Driveway Front of House at 56 Whitehouse Court, Easington Village, Durham SR8 3HZ in accordance with the terms of the application, Ref DM/19/00806/FPA, dated 12 March 2019, and the plans submitted with it.

Preliminary Matter and Main Issue

2. The dropped kerb and driveway have already been constructed and are in use. I have therefore determined the appeal on this basis.
3. The main issue is the effect of the proposed development on highway safety.

Reasons

4. At the time of the site visit I saw that the dropped kerb and driveway accesses Thorpe Road that runs through Easington Village. It is the Council's case that "due to its location on the B1432 Thorpe Road, the development results in an unacceptable impact on highway safety which would set an undesirable precedent".
5. The consultation response from the Highways Development Management in respect of the application states that "no objection is raised from a highways aspect" before referencing a discussion with the Highways Adoptions Engineer in which it is stated that the "applicant has already been informed that the vehicle crossing must be removed" and subsequently raising an objection as a result of this "additional information". No further commentary is provided to substantiate this objection.
6. Easington Parish Council also objected to the application, referring to the junction of Thorpe Road and Seaside Lane being close to the appeal property, heavy traffic flow and resultant traffic problems in the area.

7. Paragraph 109 of the National planning Policy Framework (the Framework) states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety"
8. At the site visit, which was carried out in the afternoon of a typical weekday, I was able to observe the relationship of the driveway and the junction of Thorpe Road and Seaside Lane. While close by, the junction and driveway do not appear to be in such close proximity as to result in an inevitable conflict nor were traffic volumes or vehicles speed noticeably high, such that highway safety issues would result from the use of the dropped kerb and driveway.
9. Furthermore, I noted that a number of other properties situated to the south of the appeal site also had driveways that accessed directly on to Thorpe Road. I have no substantive evidence before me to suggest that these existing driveways have resulted in any highway safety issues.
10. The Appellant states that, as a result of the stepped access to the rear of the property and mobility issues of one of the residents of the appeal property, they are unable to use the existing designated car parking space to the rear of the house. This is a material consideration to which I attach some weight.
11. On the basis of the evidence before me I do not find that the use of the dropped kerb and driveway would result in an unacceptable impact to highway safety. As such, the appeal proposal is not contrary to saved policies 1, 35 and 36 of the District of Easington Local Plan and paragraph 109 of the Planning Policy Framework, that amongst other matters seek to ensure that new development does not result in unacceptable highway safety issues.

Other Matters

12. Both the Council and the Parish Council have referred to the issue of precedent, and concern that should the appeal be granted this would set a precedent for other similar proposals elsewhere on Thorpe Road, resulting in highway safety issues. Given that I have found that the appeal scheme does not result in harm to highway safety this would not be a reason to withhold permission in this instance and in any event each application is determined on its own merits.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR