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# Appeal Decision

Site visit made on 6 October 2020

**by Elaine Benson BA (Hons) DipTP MRTPI**

**An Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 October 2020**

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**Appeal Ref: APP/Z3635/W/20/3251754**

**96 Woodthorpe Road, Ashford TW15 3JY**

- 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 Louise McCarthy against the decision of Spelthorne Borough Council.
  - The application Ref 20/00063/HOU, dated 20 January 2020, was refused by notice dated 8 April 2010.
  - The development proposed is described as 'a dropped curb'.
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## Decision

1. The appeal is allowed and planning permission is granted for a dropped kerb at 96 Woodthorpe Road, Ashford TW15 3JY in accordance with the terms of the application, Ref 20/00063/HOU, dated 20 January 2020, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, Site plan and Proposed dropped curb plan.

## Main Issue

2. Whether vehicles can be safely manoeuvred onto and parked within the house frontage.

## Reasons

3. It is proposed to construct a vehicle crossover, or dropped kerb, from a classified road to the frontage of the semi-detached property, enabling a vehicle to be parked parallel to the road.
4. The Council supports the Highway Authority's objection that the frontage is insufficiently deep to accommodate a vehicle without it overhanging the pavement. The appellant provided a photograph of an average-sized car parked on the frontage and located well within the boundaries of the frontage. There is therefore an allowance for larger vehicles. In addition, notwithstanding that its frontage is wider, at the time of my site visit a car of a different make and model was parallel parked in the next-door front garden of the same depth, also with space around it.

5. Having regard to the width and depth of the appeal site frontage, my observations made at the site visit and all other evidence provided, I conclude that a vehicle could be manoeuvred onto and parked within the frontage of the appeal property without overhanging and having to repeatedly pass over the adjacent pavement. Thus, there would be no harm to pedestrians. The Highway Authority states that its objection may be overcome by a vehicle tracking drawing. However, as the available evidence indicates that there is sufficient space for parking and manoeuvring, a requirement for technical evidence would be overly onerous in this case.
6. For these reasons there would be no conflict with Policy CC3 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009, which among other things sets out the Council's general approach towards parking, including its effect on highway safety. Nor would the proposal run counter to the objectives of the National Planning Policy Framework in respect of highway and pedestrian safety. As the Council's Policy CC2 seeks primarily to secure sustainable travel in relation to major developments I do not consider it material to this appeal.
7. Accordingly, the appeal is allowed.

*Conditions*

8. A condition is necessary to ensure that the works are carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

*Elaine Benson*

INSPECTOR