The Planning Inspectorate

Appeal Decision

Site visit made on 25 September 2020

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/X2220/D/20/3246511
32 Eythorne Road, Shepherdswell, CT15 7PG

- 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 Ian Frank Mackintosh-Parr against the decision of Dover District Council.
- The application Ref 19/00439, dated 3 April 2019, was refused by notice dated 13 November 2019.
- The development proposed is erection of a garage and parking space, creation of a vehicular access and associated excavation works.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development, as it is shown on the planning application, does not fully describe the development to which the appeal relates. I have therefore taken the description of development from the Council's Decision Notice as this is more accurate and was adopted by the appellant on the appeal form.

Main Issues

3. The main issues are the effect of the development on:
(a) highway safety on Eythorne Road; and
(b) the street scene along Eythorne Road.

Reasons

Highway Safety

4. Eythorne Road is a classified and busy local road that has been subject to some traffic calming measures. There is no pedestrian footpath on the side of the road adjacent to the appeal site boundary.

5. Making provision for a car to park off-street at the front of the appeal site property would provide important highway safety benefits for the current occupiers of No.32, as it would reduce the need to cross the Eythorne Road. In that regard, I note and give weight to the supporting health evidence submitted by the appellant.

6. It would appear that attempts by the appellant and their agent to secure the agreement of adjoining land-owners to provide satisfactory visibility splays for the proposed garage and parking space, to ensure site safe access can be achieved, have not been successful. There is no evidence to suggest that such agreements may be secured in the foreseeable future.

7. In an attempt to address the particular needs of the appellant and his family, and to provide a safer option for other road users than the current scheme, the Council states that the authorities have suggested a range of other options but none are the proposal in this appeal. The appellant has also suggested installing mirrors to improve visibility. However, the images on them, regardless of their size and siting, would not make up for the absence of views that would be provided by the recommended visibility splays for all highway users.

8. Thus, there is a lack of substantive evidence to demonstrate there are adequate sight lines. The statutory highway authority, Kent County Council, advise that the proposals would create an access with substandard visibility to the detriment of highway safety. Furthermore, there is undisputed evidence that alternative schemes may exist that might reduce the need for the appellant and his family to cross the road and also offer reduced highway risks for other road users, compared to the current scheme.

9. Having regard to these considerations, I do not consider that the highway safety benefits for the appellant and his family are sufficiently compelling as to outweigh the harm to highway safety of other road users that would result from allowing the development to proceed.

10. Accordingly, I find that the development would create unacceptable harm to road safety on Eythorne Road. The development would therefore be contrary to the policies set out in Paragraphs 108 and 109 of the National Planning Policy Framework (NPPF), Policy DM12 of the Dover District Local Development Framework - Core Strategy 2010 and the Kent Design Guide: Supplementary Guidance – Visibility (Interim Guidance Note 2). These policies and guidance, seek, amongst other things, to ensure safe site access is provided in development proposals.

Street Scene

11. The development would involve significant excavation into an embankment that fronts much of the boundary of the site along Eythorne Road. The appellant advises that the embankment was created quite recently following works by British Telecommunications.

12. Whether the embankment to be removed is recent or not, the works associated with the development would involve the loss of two trees, including a Beech tree, which is the subject of a Tree Preservation Order (TPO) (TPO Number 2019, 13). The Beech tree is subject to the TPO because of its significant contribution to the visual quality and character of the area. The development would also involve the loss of a substantial area of landscaping immediately adjacent to the road.

13. Given the loss of these prominent and attractive features, particularly the protected Beech Tree, I find the development would substantially harm the character and appearance of the street scene on Eythorne Road. Although I

note the offer by the appellant to agree a planning obligation to replace the Beech Tree, I do not consider that such a measure could fully offset the detrimental impact the loss of the trees and landscaped bank would have on the street scene.

14. Consequently, the development would not accord with policies 127 and 170 of the NPPF which seek to promote development that adds to the overall quality of an area and protect features of landscape value.

Conclusion

15. In reaching my conclusions, the occupiers' personal circumstances have been taken into account but they do not outweigh my findings in the main issues. For the reasons I have set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Anthony Thompson

INSPECTOR