



Appeal Decision

Site visit made on 24 September 2020

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/Z2260/D/20/3248483

106 Minster Road, Westgate-on-Sea CT8 8DG

- 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 Joshua White against the decision of Thanet District Council.
 - The application Ref FH/TH/19/1299, dated 29 September 2019, was refused by notice dated 23 December 2019.
 - The development proposed is described as request to drop the curb outside my property and remove the wall to allow car access onto a proposed driveway at the front of my property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, the Council has adopted the Thanet Local Plan July 2020 (LP). This replaces the previous Local Plan (2006) and the policies cited in the Council's refusal notice no longer apply. The main parties have been consulted on the matter and I am satisfied that no prejudice would arise by the consideration of the appeal proposal against the policies of the now adopted LP.

Main Issue

3. The main issue in this case of this appeal is the effect of the development on highway safety.

Reasons

4. The appeal property is an end-terrace house that fronts Minster Road, a class 'C' road that runs to and from Westgate-on-Sea town centre. The dwelling lies between the junctions with St Benet's Road and Richborough Road. The proposal is for the creation of an access to enable occupants to park in the front garden area.
5. The projecting entrance porch and bay window features to the front elevation of the property limit the available parking depth from the dwelling to the public footway to around 4 metres; the parties do not appear to dispute this measurement. Although this falls short of the Council's required standard of 4.8 metres referred to in the delegated report, I have not been provided with further details relating to the requirement.

6. At my site visit I noted the parking arrangements afforded to nos. 102 & 104 Minster Road, which have dropped kerbs and space in the front gardens for cars to be parked. The appellant contends that these set a precedent. However, notwithstanding the need to assess each proposal on its merits, I note that both of these houses do not have projecting features and therefore each has a deeper frontage than that of the appeal property.
7. I saw a parked car on the driveway of no.102 that reflects the photo provided by the appellant; the tail of which was in close proximity to the front wall of the dwelling and the bonnet level with the public footpath. Were this scenario to be repeated at the appeal property, the bonnet would clearly overhang the footway. This would result in passing pedestrians having to negotiate their way past, which would cause inconvenience and be materially detrimental to highway safety.
8. I accept that the speed of vehicles in the vicinity is generally low, that the number of movements to and from the property would not be significant and that there is no robust evidence of safety issues in the local area. I am mindful of the presence of street lighting and the appellant's desire to install a charging point for an electric vehicle. However these matters do not outweigh the harm that I have identified above.
9. I have noted the appeal decision provided by the appellant. However, whilst I acknowledge that smaller cars may be accommodated within the available area, in my view it would not be possible to control this through the imposition of a condition. A longer vehicle would jut out onto the footway and result in conflict with other highway users.
10. From the above and based on my observations, I am drawn to conclude that the proposal would cause harm to highway safety. It would be contrary to policies QD02 and TP06 of the LP that state proposals must relate be well-designed and make satisfactory provision for the parking of vehicles. It would also be inconsistent with the advice in the National Planning Policy Framework which seeks to ensure development has an acceptable impact on highway safety.

Conclusion

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

C Hall

INSPECTOR