The Planning Inspectorate

Appeal Decision

Site visit made on 22 October 2020

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020.

Appeal Ref: APP/M1520/D/20/3248448
201 Kiln Road, Thundersley, Benfleet, SS7 1SJ

- 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 Gramos Cjapi against the decision of Castle Point Borough Council.
- The application Ref 19/0852/FUL, dated 22 November 2019, was refused by notice dated 20 January 2020.
- The development proposed is ingress and egress crossovers with associated works including removal of section of boundary fence, relocation of wooden bollard and hard-surfacing of area of pathway directly to east of forecourt.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of the development given on the application form, I have used the description from the decision notice and also on the appeal form, which more accurately reflects the proposal under consideration.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal property is a detached dwelling situated on the northern side of Kiln Road, a short distance to the east of Kingston Road. Kiln Road is a classified road (A13) and has been identified by the Highway Authority as being an important Primary Distributor Route. To the front of the appeal site is a bus stop, with an associated bus shelter and other items of street furniture.

5. The proposal seeks to provide two vehicular crossovers to allow access/egress on to and from the hardstanding area to the front of the appeal building, for use by its occupiers. Other associated work includes removal of a fence and relocation of wooden bollards and an additional hard-surfaced area.

6. The depth of the hardstanding area from the edge of the pavement to the front wall of the appeal dwelling is 4m. The Appellant considers this to be sufficient space for a typical car to park parallel to the highway and open its doors. Whilst this may be the case, the Council raise concerns that the shallow depth of the hardstanding area would make it difficult to access the parking area.

7. Reference has been made to the forecourt area as being spacious and whilst the frontage is around 12m in width, its limited depth, which prevents a vehicle parking perpendicular to the highway, would also necessitate lots of manoeuvres back and forward over the pavement to park parallel to it. Kiln Road from observations at the time of my site visit, is a busy road with substantial levels of traffic travelling in both directions, including buses. Vehicles reversing would come into conflict with pedestrians on the pavement, including those waiting for a bus at the bus stop to the front of the appeal site. In addition, larger groups congregating at certain times of the day as the Council have identified or a bus that has stopped outside the appeal property, would restrict visibility for vehicles egressing the site.

8. I acknowledge that the proposal would remove a section of existing wooden fence and that visibility in this respect would be improved. However, this does not overcome the harm identified from the proposed vehicular crossovers, with respect to facilitating the use of the forecourt for vehicular parking and the consequential harmful detrimental impact on highway users.

9. I conclude therefore that the proposal would have an unacceptable adverse impact on highway safety and it would be contrary to Policies T2 and EC2 of the Council's Local Plan which I consider to be of most relevance to the proposal. It would also be contrary to the Residential Design Guidance Supplementary Planning Document, which requires, amongst other matters, access to be safe and convenient for all users and Paragraph 108 of the National Planning Policy Framework, which seeks, amongst other matters, safe and suitable access for all users.

Conclusion

10. For the reasons given above and having taken into account all other matters raised, including reference to access rights being granted as per the property deed, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR