



Appeal Decision

Site visit made on 9 December 2020

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/K2230/D/20/3260727

363 Valley Drive, Gravesend, Kent, DA12 5TA

- 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 Graham Halls against the decision of Gravesend Borough Council.
 - The application Ref 20200737, dated 27 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is for the retention of existing car parking space and hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. In their appeal form the appellant confirmed that the description for the development has not changed. However, they then use the description for the development used by the council, which is different. The description used by the appellant on the application form reflects the description and details set out on the application drawings and more accurately reflects the proposal.
3. In particular, whilst an earlier planning application included the widening of the existing crossover, the appeal drawings do not include any changes to the existing crossover. The application site does not include the pavement and crossover and, as stated in the council's delegated report, the proposal will utilise the existing crossover. The appeal has been determined on this basis and I have used the appellant's original description for the development to avoid any confusion.

Main Issue

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

Reasons

5. Valley Drive is a busy Class C local distributor road and the appeal site is located a short distance from the junction of Valley Drive and Dobson Road. The appeal property is situated within a row of semi-detached dwellings whose front gardens rise steeply away from the highway. Due to the difference in height between the highway and the front gardens, retaining walls were

constructed along the back edge of the highway, with cut outs for steeply rising domestic driveways. A number of dwellings have had the front retaining walls set back further into the front gardens to provide level parking spaces adjacent to the highway. Some of these parking spaces are parallel to the highway and others are perpendicular. The council has advised that many of these parking areas do not benefit from planning permission.

6. The appeal proposal, which has been partially implemented, would provide a single parallel on-site parking space some 6.89 metres wide and 4.825 metres deep, including the retaining walls around it.
7. Section 9 of the National Planning Policy Framework (the Framework) states that proposals should provide safe and suitable access for all users and that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.
8. Policy CS11 (transport) of the Gravesham Local Plan Core Strategy (2014) (CS), requires sufficient parking to be provided in new developments in accordance with the council's parking standards. Policy T5 of the Gravesham Local Plan First Review (1994)(LPR), states that the formation of new vehicle accesses onto the highway network will only be permitted where no danger would arise and where a properly formed access can be created that is acceptable to the local planning and highway authorities.
9. Amongst other things Gravesham's Planning Guidance Note 6 - Vehicle Accesses on Classified Highways (2009) (PGN6), advises that 2 x 2 metre pedestrian visibility splays and 2 x 45 metre vehicular visibility splays should be provided for crossovers with Class C local distributor roads that are subject to a 30mph speed limit. Accesses should not create a hazard by being located close to other road junctions and excessive gradients should be avoided.
10. The Kent County Council Vehicle Crossing – Guidance and Self Assessment v8 2018 advice note (GSA) is consistent with this. It also advises that parking spaces should be at right angles to the highway so that vehicles can enter and exit in one movement and that new crossovers within 10 metres of existing junctions, will be resisted for highway safety reasons. For busy roads this distance can be increased to 15 metres.
11. The proposed parking area would provide pedestrian visibility splays and whilst not shown on the submitted drawings, it was apparent from my site visit that vehicular visibility from the existing crossover would be in excess of 2 x 45 metres. In addition, the existing crossover is located in excess of 15 Metres from the junction with Dobson Road. Provided the proposed parking area ran directly into the existing driveway, the driveway would add to the manoeuvring space available and enable the existing crossover to be used.
12. Notwithstanding this, a number of vehicle movements would be required within the highway to access and exit the parking area and would involve crossing the pavement at various angles. The situation would not be helped by the fact that, if parked as shown on the submitted drawings, the drivers would be on the inside of the parking bay and would have restricted visibility along the highway.
13. Whilst it is noted that the appellant has submitted a swept path analysis which shows minimal movements into and out of the parking area, it would involve

crossing the existing kerb. This would result in traffic movements where they are not expected by pedestrians and motorists; movements over an uneven surface; and possible damage to the kerbs. It would have an unacceptable impact on highway safety.

14. The situation would be exacerbated by the close proximity of the junction with Dobson Road. Some of the movements shown in the swept path analysis would be within 15 metres of the junction, where drivers exiting Dobson Road would be likely to be focusing on traffic approaching from the opposite direction, where visibility is restricted by a bend in the highway. Also, if approaching the parking area from the southeast, as shown on Option B, any following motorists could reasonably believe that the driver in front was planning to turn into Dobson Road.
15. I have taken into consideration that the use of the existing driveway is not ideal. It slopes up to the dwelling, there is no on-site turning and for drivers reversing out of the driveway pedestrian and vehicular visibility is restricted. However, forward visibility of this driveway from the pavement is reasonable and the driveway is in excess of 15 metres from the junction with Dobson Road. Also, for drivers approaching from the southeast along Valley Drive, the cut out in the pavement around the junction with Dobson Road increases forward visibility of the driveway.
16. Overall, I find that the limitations of the existing drive, together with the benefits for the appellant and their family resulting from the additional parking space, would clearly fail to outweigh the highway safety concerns outlined above. These concerns could not be satisfactorily addressed through the imposition of conditions.
17. I acknowledge that there are a number of similar parallel parking spaces along this stretch of Valley Drive. However, none are located so close to a road junction and it is noted that some are unauthorised. Rather than set a precedent, they highlight the need to assess each proposal on its individual merits and in light of the the prevailing planning policies.
18. I conclude on the main issue that the proposal would have an unacceptable impact on highway safety. The proposal would therefore conflict with CS Policies CS11, LPR Policy T5, the PGN6, the PSA and section 9 of the Framework.

Other matters

19. The proposed driveway would be surfaced with tampered concrete, which would ensure that no loose material spread onto the pavement, but is not permeable. Whilst the appellant has proposed a soakaway to deal with drainage, it has not been demonstrated that this would be permissible under the current Building Regulations. Had I found in favour of the appellant in relation to the main issue, this is a matter about which I would have sought the views of the main parties.
20. In relation to design and appearance, it is noted that front garden designs and layouts vary in the locality and that boundary and other retaining walls vary in height, siting and materials. Within this setting the proposed recessed retaining walls, with raised lawns on two sides and a lower ground level to the

front of the walls would not look out of place. Accordingly, I share the view of the Council that the proposal would maintain the quality of the street scene.

Conclusion

21. Whilst I have found in favour of the appellant on some points, my conclusion on the main issue represents a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR