
Appeal Decision

Site visit made on 23 November 2020

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 December 2020

Appeal Ref: APP/D1590/D/20/3251629

31 Highfield Gardens, Westcliff-on-Sea, Essex SS0 0SY

- 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 Mrs Christine Mckinnon against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01968/FULH, dated 25 October 2019, was refused by notice dated 7 February 2020.
 - The development proposed is an extension of existing vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on highway safety and the operation of the highway network; and the effect on the character and appearance of the area.

Reasons

3. The full front garden of this property is surfaced and is being used for the parking of vehicles. It has a single point of access which requires that one of the parked vehicles has to be driven diagonally across the pavement to get to the access point as it passes between the grass verges to each side. This proposal would increase the width of the access and reduce the level of turning within the pavement. The wider drive would result in a reduced area of grass verge to the front of the property.

Highway safety and the operation of the highway network

4. Although there would be a marginal improvement with regard to reducing vehicle manoeuvring within the pavement, this would not significantly change the relationship between vehicles and pedestrians.
 5. It may be possible for the smallest of cars to turn within the site but in reality, there is little prospect of drivers doing anything other than reversing in or out of the parking area. This proposal would not alter this arrangement.
 6. The removal of the on-street parking space to the front of the property would have the benefit of improving visibility to the north when leaving the site but this benefit would be limited, especially as this is not the critical direction with
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regard to on-coming traffic. It would however provide some benefit with regard to visibility from the neighbouring access to the north. The proposal may therefore marginally improve the existing situation but would not materially alter the safety of the highway and would not have an impact on the free flow of vehicles.

7. The Council have made reference to Policy CP3 of the Core Strategy 2007 (CS), which seeks improvements to the transport infrastructure and services to achieve a modern integrated transport system necessary to unlock key development sites and secure a sustainable jobs led regeneration and growth. I am not satisfied that this policy is directly relevant to this proposal but there would be no conflict with its objectives.
8. Policy DM15 of the Development Management Document 2015 (DMD) encourages sustainable transport management to support economic growth, reduce carbon emissions, promote equality of opportunity and to improve quality of life and health. Part 5 of the policy advises that all development should meet the parking standards set out in Appendix 6. Neither the policy nor the appendix refer to this particular type of development. I do not find this policy to be directly relevant.
9. The Council's Supplementary Planning Document 'Southend-on-Sea Design and Townscape Guide 2009' (SPD) does require that forecourt parking on classified roads includes a turning facility or an 'in and out' drive for safety reasons. There would be clear conflict with this requirement. As the proposal does not alter the current situation with regard to the size of the parking space, this conflict with the SPD does not weigh against the proposal.
10. The Council refer to a document entitled Vehicle Crossing Policy and Application Guidance (2014). This sets out the need for parking spaces to be 8m by 8m when associated with a classified road to allow vehicles to turn within the site. This appears to be a highways department guidance document rather than a planning policy document. I have not been provided with any information to indicate whether it has been through appropriate stages of consultation or adoption. I am also not satisfied that it is entirely consistent with the development plan design policies or the SPD. Although the guidance is a material consideration, it can be afforded very limited weight in any planning assessment.
11. With regard to this issue, I am not satisfied that the proposal would materially alter the free flow of vehicles or would result in any harm to highway safety. It may result in a marginal improvement due to increased visibility.

Character and appearance of the area

12. The proposal would result in the loss of part of the grass verge in front of this property. The verges along both sides of this road are a characteristic feature of this area. This is confirmed by the Borough Wide Character Study 2011 which was produced as part of the evidence base for the Local Development Framework. It identifies areas such as this, as having a particularly distinctive character with regard to the houses, their front gardens, the grass verges and on-street parking. It advises that grass verges make an important contribution to the character of the street and provide a valuable separation between the

road and pavement. Where verges have been lost due to the creation of new crossovers, it suggests that this degrades the character of the street.

13. The verge along this section of road is punctuated by the numerous driveways. This particular piece of verge is already of limited size and its further reduction would leave a very small piece of grass which would be more difficult to manage and maintain in a condition that would offer benefits to the greenery of the area.
14. This layout, whereby two cars can be parked within the garden is not dissimilar to other properties that currently rely on a single narrow access point. The Council suggest that the existing wider crossings generally serve two adjoining properties. This is not entirely the case but, it is quite evident that where very small fragments of verge are left, they are performing particularly poorly with regard to maintaining grass cover. Where wider accesses exist, front boundaries and vegetation within gardens is generally much reduced. Whilst this property has already been surfaced and the grass verge is already fragmented, this proposal would result in greater harm to the verge.
15. Overall, I agree with the Council that this proposal would be harmful due to the loss of verge, leaving only a very small fragmented piece to be maintained. Given the limited benefits put forward, I find that this represents poor design. Allowing such poor design would also make it more difficult for the Council to resist other such proposals relating to very similar front garden parking areas which are common in this road. The proposal would be harmful to the character and appearance of the area.
16. The proposal would conflict with CS Policy KP2(9) and Policy CP4(4&5) which seek to secure improvements to the urban environment through quality design; and maintain and enhance the character of residential areas. DMD Policy DM1(i&ii) and Policy DM3(1) similarly require high quality design and detailing that contributes to and enhances the distinctiveness of places. These policies are consistent with the design requirements of the *National Planning Policy Framework* and should be afforded full weight.
17. The Council's SPD makes a commitment to good design and advises that new crossings should not result in the loss of street trees or planted verges unless they can be replanted within the vicinity. The widening of this single drive would conflict with the objectives of the SPD and as it is consistent with the design requirements of the *National Planning Policy Framework*, I afford it considerable weight.

Other matters and conclusions

18. The proposal would result in the loss of a small parking space within the highway. It is evident that given the size of this space, when larger vehicles park, they exceed the space available and extend beyond the raised kerb, limiting access to the driveways to either side. This is clearly unsatisfactory but it would appear to be an enforcement issue with regard to vehicles parking in front of dropped kerbs. Although this proposal may reduce inconsiderate parking, it would also result in the loss of a parking space that is suitable for smaller vehicles, in an area which appears to be of high parking demand. On balance, the benefit of improving convenience to the two neighbouring

residents resulting from inconsiderate parking would not outweigh the reduction in the wider provision of public parking spaces.

19. Overall, the proposal would not result in harm with regard to highway safety or the management of the highway network and may result in a minor benefit. It would however result in harm to the character and appearance of the area. Whilst there would be some benefits to the residents of these properties, this would be at the expense of a public parking space. However, even if the loss of the parking space is set aside, I am not satisfied that the benefits of the proposal would outweigh the harm with regard to the character and appearance of the area and the policy conflict. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR