



Appeal Decision

Site visit made on 15 December 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/B1550/D/20/3259573
103A Down Hall Road, Rayleigh, SS6 9LN

- 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 John Jobson against the decision of Rochford District Council.
 - The application Ref 20/00163/FUL, dated 15 January 2020, was refused by notice dated 26 June 2020.
 - The development proposed is a drop kerb outside house on roadside of Down Hall Road, 103. Drop 4 slabs plus 2 risers (one each side) to provide vehicular access to front garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development is taken from the application form. The Decision Notice describes the development as "Construction of vehicular access to front garden."

Main Issue

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

Reasons

4. The appeal property is a semi-detached two storey dwelling close to the corner of Down Hall Road and Deepdene Avenue. The property fronts onto Down Hall Road and the appeal site is L-shaped, such that it has a garage and short driveway fronting onto Deepdene Avenue.
 5. The appeal site is located in a residential area characterised by the presence of a range of two storey detached, semi-detached and terraced houses; and single storey detached and semi-detached houses.
 6. Houses along Down Hall Road tend to be set back from the road behind either a parking area or a garden. Whilst I noted during my site visit that a number of neighbouring properties have parking areas with immediate access to Down Hall Road, I am mindful that Down Hall Road is a Secondary Distributor, along which access points should be kept to a minimum.
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7. The appeal property has access to off-road parking from Deepdene Avenue, which is a lower category road. Whilst I note that the proposed development would provide additional space for car parking that would be convenient for the occupiers of the appeal property, it would also result in an additional access point onto Down Hall Road, when the property is already served by a dedicated parking area.
8. The appeal property is located close to a junction and I find that the creation of an additional access point onto Down Hall Road in this location would increase vehicle movements over the pavement onto and from a Secondary Distributor.
9. During my site visit I observed there to be a pedestrian crossing, signs for a school and bus stops, all within close proximity of the site along Down Hall Road. Given this, I find there to be strong likelihood of significant pedestrian movements along the pavement close to the appeal property.
10. The size of the parking area proposed does not provide much room for manoeuvring and would likely lead to vehicle movements onto or from Down Hall Lane in a reverse gear. I find that such vehicle movements would be hazardous to other highway users, including pedestrians and cyclists.
11. Whilst, in support of his case, the appellant draws attention to other properties having direct vehicle access onto Down Hall Road in addition to other parking areas, this is not a factor that significantly reduces the harm arising from the proposed development.
12. The appellant also draws my attention to the restricted nature of the existing off-road parking area along Deepdene Avenue. Whilst I note that this parking area is not large or expansive and that its use entails reversing onto or from Deepdene Avenue, I note above that this is a lower category road than Down Hall Road.
13. Taking the above into account, I find that the proposed development would be harmful to highway safety, contrary to the National Planning Policy Framework and to Development Management Policies DM1 and DM2¹, which together amongst other things, require development to take account of highway safety.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Essex County Council Development Management Policies (adopted as County Council Supplementary Guidance in 2011).