

Appeal Decision

Site visit made on 5 February 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Reference: APP/A2280/D/20/3263091

Land at 136 Frindsbury Road, Strood, Rochester ME2 4JG

- 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 N Wade against the decision of Medway Council.
 - The application (reference MC/20/1022, dated 20 February 2020) was refused by notice dated 4 September 2020.
 - The development proposed is described in the application form as “dropping of the kerb to allow access for a car to be parked off the road”.
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Decision

1. The appeal is dismissed.

Main issues

2. There are two main issues in this appeal. The first is the effect of the proposal on highway safety and convenience. The second is its effect on the tree that is currently growing on the site.

Reasons

3. The appeal site is located in a closely built-up part of Strood, on a straight section of Frindsbury Road (the A228), which is a busy main route into Strood Town Centre carrying heavy traffic on towards Rochester, across the River Medway. Some on-street parking is permitted and traffic speeds are controlled by the speed limit but traffic speeds are not necessarily very slow.
4. There are various types of development along the street frontages in the vicinity of the appeal site, for, while number 136 Frindsbury Road is located at the end of a terrace of houses that are built close up to the back of the footpath, the terraced houses on the opposite side of the road are set back behind small front gardens. To the north-east of the site, beyond a small open space on the road frontage, residential development continues in the form of more modern houses, set sufficiently far back from the footpath to permit cars to be parked off the highway, in front of the building line.
5. Being located at the north-east end of a terrace, number 136 Frindsbury Road has the benefit of a side garden, as well as a rear garden behind the terrace. There is a large tree growing in the rear part of the garden, which is prominent

- in views along the road from the north-east. The tree has been heavily pollarded, however.
6. It is now proposed that a crossover to the main road should be constructed, to provide a vehicular access to the side garden, where a new hardstanding would enable a car to be parked within the site.
 7. The 'Medway Local Plan' (which was adopted in May 2003) forms part of the formal Development Plan and Policies T1 and T2 emphasise the importance of ensuring highway safety and preventing accidents. Likewise, under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' (2019) deals with a number of transport related issues and seeks to prevent significant impacts on highway safety, notably at paragraphs 108 and 109.
 8. The Local Plan also has the specific aim of protecting trees and other landscape features that make a valuable contribution to local character, although Policy BNE43, which sets out this aim, is cast in general terms. Again, the 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12).
 9. The proposed crossover would enable a car to be parked alongside the house and, as a single dwelling, the site would not generate high numbers of traffic movements. The existing fence on the edge of the footpath would, evidently, be removed and the garden frontage is sufficiently wide to enable a driver to be aware of pedestrians on the footpath, thus avoiding any major risk to pedestrian safety (notwithstanding the pedestrian visibility areas shown on the application drawings).
 10. The relationship between the parking space and the carriageway would be more problematic, however. It is acknowledged that the proposed parking space would be set away from the end wall of the house, to improve visibility to the south-west, while the open area to the north-east of the garden would assist with visibility in that direction. Nevertheless, it would be necessary for cars to reverse into (or out of) the carriageway, disrupting traffic and generating a risk of accidents. Even though some houses further along Frindsbury Road do have existing crossovers, the appeal scheme would increase highway dangers and add to inconvenience and congestion on the main road. The scheme would be unsatisfactory because of the implications for highway safety and convenience and it would conflict with Policies T1 and T2 of the 'Medway Local Plan'.
 11. The tree at the rear of the house is sufficiently distant from the area of the proposed parking space that it need not be directly affected by the construction work, bearing in mind the limited nature of that work. Moreover, the details of the construction could be controlled by the imposition of a suitable condition, to provide for a permeable form of surfacing, for example. In short, I am convinced that a satisfactory scheme for the protection of the tree could be made the subject of such a condition and that, in these circumstances, it was unnecessary for a tree assessment to have accompanied the planning application in this case.
 12. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would provide

a useful benefit for to the existing house. Nevertheless, I am convinced that the implications for highway safety and convenience outweigh the benefits of the project. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR