



Appeal Decision

Site Visit made on 26 March 2021

by **C Jack BSc(Hons) MA MA(TP) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/U1430/W/20/3262477

7 Bolebrooke Road, Bexhill-on-Sea TN40 1EN

- 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 Holmes Homes Ltd against the decision of Rother District Council.
 - The application Ref RR/2020/1334/P, dated 15 July 2020, was refused by notice dated 5 October 2020.
 - The development proposed is to create driveway from existing front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) highway safety and ii) on the character and appearance of the area.

Reasons

3. The front garden area at No 7 Bolebrook Road is partly paved and, in the general location of the proposed driveway, is principally covered with pebbles. The front boundary is treated with a low wall and fence with a pedestrian access way. No 7 has a front squared bay window adjacent to the proposed driveway. In front of the property is a footway of reasonable width, and a marked on-street parking area. Buildings in the row, including No 7, are typically of Edwardian or Victorian heritage and styling.

Highway safety

4. Taking the Council's measurements first, the proposed parking area as indicated on the block plan would be around 4.75m in length. While a comfortably usable width for a single parking space of around 4.5m is shown, this length would significantly limit the usability of the parking space for many cars, particularly once space to move around the car and, for example, to open and load and unload the car boot is considered. Moreover, a large car could not be parked in a space of that length without significant encroachment of the footway, thus there would be potential for conflict with the safe and unimpeded use of the footway. The proposed space would therefore be inconsistent with criterion (i) of Policy DHG12 of the Development and Site Allocations Local Plan 2019 (the DaSA), in respect of highway safety for pedestrians. It would also fall short of the local highway authority's guidance for the dimensions of a usable car parking space, being 2.5m wide by 5.0m long as a minimum.

5. The appellant acknowledges that the submitted block plan is inaccurate, and states that a parking space of around 3.5m wide by 5.0m is their intention. While a photograph indicates a length measurement of approximately 5m could be achieved between the bay window and the position of the existing front boundary wall, it is not clear whether at least 5m length could be achieved across the full width of the parking area. Furthermore, the measurement appears to rely on the achievable 5m length being taken immediately abutting the bay at ground level. In practice, it is unlikely a car would be parked flush to the building and there is also potential for conflict with the projecting windowsill, which would be likely to limit the proximity of a parked car to the building. Several additional centimetres of available length are indicated due to the depth of the pillars, but accurate plans and measurements are lacking.
6. There are some examples of similarly positioned parking spaces at nearby properties. Whilst there are differing circumstances regarding whether or not and when these were consented, as well as their usable area relative to the host buildings, they do not alter or outweigh the concerns and uncertainties associated with the specifics of the proposal before me. Neither does the appellant's difficulty in finding available on street parking outside the property outweigh these factors, particularly given the uncertainties with the plans provided.
7. In conclusion, based on the submitted plans and details, the proposed development would harm highway safety, contrary to the relevant requirements of Policy DHG12 of the DaSA for the provision of new drives and accesses.

Character and appearance

8. The existing front wall and fence is visually similar to other front boundary treatments in this part of the street and is generally in keeping with this part of the street scene. However, several properties nearby do not feature a front wall, and the other examples of front walls are not uniform in style. Subject to satisfactory details, the partial removal of the front wall and fence at No 7 would not be significantly out of keeping in the immediate or wider setting of Bolebrook Road, and the retention of the pillars and part of the wall would enable an indication of the definition between the property and the street to be maintained.
9. The proposal indicates the creation of planting areas beside the parking space, which would soften and break-up the extent of paving at the front of the building. Again, there are various examples of paving in front garden areas nearby. Subject to details of the paving material and planting areas, the proposal would amount to a measure of perceptible change, rather than result in any significant harm, to the character and appearance of No 7 and the locality.
10. There are no plans provided to show the extent or appearance of the front wall and pillars as proposed to be retained; and the block plan is also unclear in this regard. As such, there would be no certainty about the completed appearance of the proposed development. However, had I otherwise been minded to allow the appeal, details of the retained boundary treatment, the extent and position of planting areas, and the paving material could have been addressed by condition given the limited effect the development would have on the character and appearance of the area.

11. I conclude that the proposed development would not harm the character and appearance of the area. It would not conflict with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy 2014 or Policy DHG12 of the DaSA, insofar as these policies collectively seek to ensure the character and appearance of the site and locality would be maintained.

Other Matters

12. The 'Help with your application guide' has not been provided and its status, and the context of any requirement within that document for alternative minimum parking space dimensions of 4.8m x 2.4m, are unspecified. Therefore, this guidance is not sufficient to justify the proposed parking space to appropriate in the context of the appeal site.
13. Policies TR3 and TR4 of the Core Strategy are also referenced by the Council. However, as these two policies are principally concerned with access and parking arrangements for new developments, they have not been determinative in this appeal.

Conclusion

14. While there would be no significant harm to the character and appearance of the area, the proposal before me would harm highway safety and so would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR