



Appeal Decision

Site Visit made on 18 May 2021 by Emma Worby BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2021

Appeal Ref: APP/V2255/D/21/3266618

178 Minster Road, Minster-On-Sea, ME12 3LL

- 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 Emma Tenwick against the decision of Swale Borough Council.
 - The application Ref 20/504000/FULL, dated 30 August 2020, was refused by notice dated 11 December 2020.
 - The development proposed is described as "create front garden into a driveway."
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed development on highway safety, and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons for the Recommendation

Highway Safety

4. The appeal property is a two-storey mid terrace dwelling located within a residential area. The property has a small garden to the front with pedestrian access only and vehicular access via an alleyway to the rear. The proposal would provide one car parking space to the front of the dwelling and a dropped kerb for vehicular access to and from Minster Road.
5. As the proposed parking space would occupy a large proportion of the front garden, there would not be sufficient room to allow vehicles to both enter and exit the site in a forward gear. Due to the lack of space for turning a vehicle on the property, the driver would be required to reverse into or out of the site onto Minster Road, which is a busy main road with a high number of vehicle movements. Although entering and exiting the driveway would not require lots of manoeuvres, the reversing manoeuvre into or out of the driveway and onto a busy thoroughfare would result in an unacceptable risk to highway safety.

6. As the rear access is too narrow for the occupier's van, it is currently parked on Minster Road to the front of the dwelling. The appellant claims this is dangerous for vehicular traffic, as well as restricting the width of the footpath for pedestrians. However, I am not persuaded that the contended need for or provision of an off-road parking space would outweigh the harm found in relation to reversing into or out of the site.
7. It is noted that there are a number of other properties, located in close proximity to the appeal site, which have dropped kerbs providing vehicular access and insufficient room for turning. Although the presence of other small driveways and dropped kerbs may appear to set a strong precedent, I must primarily consider the proposal on its own merits. As I have found that the development would harm highway safety, the existence of other examples does not lessen that harm.
8. Therefore, as the proposed development would result in harm to highway safety it would conflict with the relevant section of Policy DM14 of The Swale Borough Local Plan (2017). This requires all development proposals to achieve safe vehicular access. The Council have not indicated that the proposal would contradict the Kent County Council vehicle parking standards and therefore it would not conflict with Policy DM7.

Character and Appearance

9. Although the proposal would introduce parking to the front of the dwelling, which is not currently seen on this row of terraced properties, frontage parking is not an uncommon feature within the surrounding residential area and therefore it would not be an incongruous addition. Furthermore, as the dwelling already has hardstanding to the front and there would be no loss of soft landscaping, the visual changes to the site would be minimal and the proposal would not appear unduly prominent in the streetscene.
10. In conclusion, for the reasons above, the proposal would not harm the character and appearance of the surrounding area and therefore would not conflict with the relevant sections of Policies CP4 and DM14 of The Swale Borough Local Plan (2017), which require development to be well sited and appropriate to the location and its surroundings.

Conclusion and Recommendation

11. Although the proposed development would not harm the character and appearance of the surrounding area, it has been found that the proposal would result in harm to highway safety. Overall, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR