



Appeal Decision

Site visit made on 25 May 2021

by Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/Z2260/D/21/3270106

33 Ramsgate Road, Margate CT9 5RT

- 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 Joe Healey against the decision of Thanet District Council.
 - The application FH/TH/20/1405, dated 21 October 2020, was refused by notice dated 23 December 2020.
 - The development proposed is the formation of vehicular access and hardstanding to front.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the proposed access would result in obstruction of the footway and a hazard to pedestrian safety.

Procedural Matter

3. Although the application form described the proposed development as a dropped kerb, the works actually requiring planning permission are the formation of the access and the hardstanding. I have therefore adopted the description of development as it appears on the Council's decision notice.

Reasons

4. The appeal site is located on the western side of Ramsgate Road, and comprises a mid terrace residential property. At the front there is a hard surfaced front garden area, enclosed by a wooden fence, and the appellant wishes to remove the fence, and provide a new hardstanding with a dropped kerb, to enable a vehicle to park on the forecourt.
5. The Council advises that the highway authority require a parking area of at least 2.4m in width x 4.8m in length in order to accommodate a standard sized vehicle. The proposed area is described in the officer report as 3.9m in width, but only 4.3m in length because of the presence of a projecting bay window in front of the property. I note that the appellant refers to a length of 4.4m, but with either dimension it would be shorter than the required standard.
6. The appellant makes reference to a similar length parking area next door and also two houses down, as well as other driveways around his area which apparently do not meet the required standards. At my site visit, I noted that

the adjoining property, No 35 Ramsgate Road, is currently using its forecourt area for parking purposes and there were two vehicles parked on it at the time. However, both vehicles were overhanging the public footway because of the restricted length caused by a similar projecting bay window, as would be the case with the appellant's proposal. There is also a further restriction caused by the presence of a streetlight slightly inset from the kerb edge on the boundary between Nos 33 and 35 Ramsgate Road. In my view, such a situation could well result in potential pedestrian safety issues, particularly for those pedestrians who might be visually impaired, using double width pushchairs or mobility scooters.

7. Although the submitted plan indicates that a small vehicle could be parked on the proposed driveway, there is no effective mechanism to ensure that would always be the case, as the vehicles used by the property next door demonstrate, and indeed there could even be longer vehicles which would further increase the risk of pedestrian obstruction. In that respect, I also noted that Ramsgate Road is a busy road at this point and that there is on street parking on the appellant's side of the road. Should the footway be significantly obstructed therefore, as a result of a large vehicle being parked, it might well result in pedestrians having to go into the road itself around parked vehicles, in order to negotiate the obstruction.
8. I acknowledge the appellant's point that there are other front driveways being used for parking purposes, apart from the adjoining property as referred to above. There is no information before me as to how long those driveways have been used and it would be up to the Council to consider whether any enforcement action might be appropriate or possible in respect of those examples, should it be the case they are being used without planning permission. Furthermore, it may well be that some of these cases are also longstanding and I agree with the Council that new proposals should be assessed against current highway guidance and standards. Accordingly, they should not be regarded as suitable precedents to follow.
9. Whilst I acknowledge the desire and convenience for on-site parking, I note that there is at least on street parking immediately in front of the property which does not give rise to the issues above. In summary, and for the concerns set out, I find that the proposed formation of the access would potentially result in obstruction of the footway and a potential hazard to pedestrians using that footway. The proposal would therefore be contrary to Policy TP06 of the Thanet Local Plan 2020 which requires satisfactory provision for parking.
10. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR