



Appeal Decision

Site visit made on 14 July 2021

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/A2280/D/20/3262489

49 Laburnum Road, Strood, Rochester ME2 2LA

- 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 Lendras Niuniava against the decision of Medway Council.
 - The application Ref: MC/20/1739 dated 20 July 2020, was refused by notice dated 14 September 2020.
 - The development is retrospective application for raising of ground level to the front for construction of a vehicle hardstanding and proposed dropped kerb for entrance.
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Decision

1. The appeal is allowed and planning permission is granted for raising of ground level to the front for construction of a vehicle hardstanding and proposed dropped kerb for entrance at 49 Laburnum Road, Strood, Rochester ME2 2LA in accordance with the terms of the application, Ref: MC/20/1739 dated 20 July 2020 and the plans submitted with it: Location Plan; Block Plan; 049/20; 049/20 PL01; 049/20 PL02; 049/20 PL03; 049/20 PL04; 049/20 PL05; 049/20 PL06.

Preliminary Matters

2. The submitted application forms confirmed that the raising of ground level to the front for the construction of a vehicle hardstanding had been undertaken and completed prior to the application being made. I shall therefore treat the application as one made under Section 73A of the Town and Country Planning Act for planning permission for development as already carried out, namely the raising of ground level to the front for the construction of a vehicle hardstanding.
3. It is not clear to me whether planning permission would be required for the dropped kerb. No issue has been raised in respect of this specific element of the works independent of the construction of the vehicle hardstanding, and I have no reason, on the basis of my site visit and the information before me to take a different view.

Main Issue

4. The main issue in this appeal is the effect of the raising of ground level to the front for the construction of a vehicle hardstanding on highway safety.

Reasons

5. The appeal property is a semi-detached property on the south side of Laburnum Road, within a predominantly residential area. Reflecting the hillside location, the semi-detached pair of properties, together with their neighbours are set at a lower level than the highway, with the properties on the other side of the road set at a higher level than the road.
6. Parking is generally on street on both sides of the road, and as a result the width of the highway is reduced so that there is width for only one car to pass at a time. There are a number of examples in the same road, on the south side, where off-street parking has been introduced. It is not clear whether these have all been undertaken with the benefit of planning permission.
7. Notwithstanding the presence of parked cars, visibility, accessing and egressing the parking space, is good in both directions, reflecting the straight nature of Laburnum Road in the vicinity of the appeal site. Whilst there may be some exceptions, I agree that vehicle speeds are generally likely to be low because of the width of the road, especially when there are parked cars on either side. Furthermore, pedestrians are likely to be aware of the prospect of cars entering or leaving off-street parking bays given the existence of a number of such parking bays in close vicinity of the appeal site and the good visibility along the road.
8. I have been provided with no information by the Council to indicate that highway safety is an issue in the vicinity; the Appellant has advised that the Crashmap data indicates only one slight incident over a 21 year period. The Council has not sought to counter this information.
9. For all the reasons set out above, including taking into account the adjacent disabled parking bay I do not agree with the Council that accessing the parking bay is convoluted or presents a danger to highway safety. There is no conflict with Policies T1, T2 and T13 of the Medway Local Plan 2003 or the National Planning Policy Framework, with particular reference to paragraph 109, all of which relate to ensuring highway safety.

Conditions

10. The Council has requested one condition relating to the management of surface water either through the use of permeable surface materials or drainage arrangements. The parking space has already been constructed and as shown on the plans, it has been built with a drainage channel across the front of the bay, bordering the street. I do not therefore consider that there is any planning justification for the imposition of a further condition in this regard.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

