



Appeal Decision

Site visit made on 17 November 2021

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021.

Appeal Ref: APP/A2280/D/21/3280681

37 Roberts Road, Rainham, Gillingham ME8 0AZ

- 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 & Mrs D Lloyd against the decision of Medway Council.
 - The application MC/21/0747, dated 16 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is the removal of existing extension to front with installation of window to front and relocation of front door to the side to facilitate the construction of a vehicle hardstanding and crossover to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the development upon highway safety.

Reasons

3. The appeal property comprises a semi-detached house located on the eastern side of Roberts Road. The area is residential character, but there are mix of styles of properties including bungalows opposite and terraced housing elsewhere. Whilst some properties benefit from off street parking, others do not, including the appeal property, and I noted a significant amount of on street parking at the time of my site visit.
4. The proposal involves the demolition of a small single storey front extension in order to accommodate a paved hardstanding to enable a vehicle to be parked across the front of the property. The size of the parking area would be just over 3m in depth and approximately 6m in width so that any vehicle would be parallel parked.
5. The appellant argues that the size of the parking area would be compatible with standards and that there is no policy which prevents parallel parking. Furthermore, vehicle speeds along the road are generally slow, with good visibility and with no accident records.
6. Notwithstanding that the size of the space might satisfy standards in theoretical terms, in practice it would be very difficult to manoeuvre a vehicle into the space so that it was wholly off the highway and footway, given the presence of a small wall at either end of the parking area and the proximity of

parked vehicles either side of the property. These were certainly in evidence at the time of my visit and I noted in particular that they were partially parked on the footway itself because of the presence of other parked cars on the opposite side of the road. In reality therefore, it would be a very awkward manoeuvre to enable a vehicle to be wholly parked on the hardstanding, particularly if the vehicle was of some size, for which there would be no planning control to prevent. Additionally, I note that any vehicle would partially obstruct the side gate through which access is required to a new side entrance door to the house. Some space would therefore be needed to allow for pedestrians to access

7. Given the above, there is a strong probability that a vehicle would not be wholly parked on the hardstanding itself resulting in some blocking of the footway. Given the presence of other parked vehicles close by, this would necessitate pushchairs, mobility scooters or wheelchair users in particular, having to go into the road in order to negotiate any obstruction. Notwithstanding the lack of any accident records to date and low vehicle speeds, it would be prejudicial to pedestrian safety and unacceptable as a result. I note that the Highway Authority has expressed similar safety concerns and I attach some weight to those views.
8. I am sympathetic to the personal circumstances of the applicant and acknowledge the additional convenience of being able to park on the curtilage of the property. However, that does not in my view outweigh the potential pedestrian safety issue. I am also mindful that on street parking is available close to the property, albeit in demand.
9. I have also been referred to other examples of on site parking in the immediate facility and took the opportunity to look at those during my site visit. However, the full details of those cases are not before me in terms of how long they have been there or whether they needed/received planning permission or not. They were also not directly comparable to the appeal property configuration and I therefore afford them little weight in the context of the current appeal. Finally, I can appreciate the frustration of the appellant having been given encouraging advice at the pre application stage. However, such advice can only be on an informal basis pending the formal determination of an application by the Council and in the event, I have come to the same conclusion as the Council did in its formal decision.
10. In the light of the above, the proposal would result in adverse pedestrian safety issues and would fail to comply with Policies T1, T2 and T3 of the Medway Local Plan 2003. Amongst other requirements, these policies seek to ensure development is not detrimental to the safety of vehicle occupants, cyclists and pedestrians.
11. Accordingly, for the above reasons the appeal is dismissed.

Kim Bennett

INSPECTOR