



---

## Appeal Decision

Site visit made on 17 November 2021

**by H Lock BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> November 2021**

---

**Appeal Ref: APP/D1590/D/21/3282294**

**2 Eastern Avenue, Southend-on-Sea, SS2 5QU**

- 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 A Bates against the decision of Southend on Sea Borough Council.
  - The application Ref. 21/01352/FULH, dated 24 June 2021, was refused by notice dated 24 August 2021.
  - The development proposed is to install vehicle crossover on to Eastern Avenue, alter boundary wall and layout hardstanding to front.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on highway safety.

### Reasons

3. The appeal property is a dwelling located at the junction of Eastern Avenue, an 'A' road which supports a steady flow of traffic, and Ennismore Gardens, a one-way residential road. Part of the front garden wall of the appeal property has been removed and the site frontage has been surfaced for vehicle parking.
4. The proposed access would be sited less than 10m from the carriageway edge of Ennismore Gardens, but alongside a crossover serving the adjacent property. Indeed, the appeal property is one of a small group of buildings between Ennismore Gardens and a sports ground, with each of the others having a crossover.
5. The Council has not identified any specific harm that would arise from the construction of the crossover, although Core Strategy<sup>1</sup> Policy CP3 includes an objective to improve road safety, and DMD<sup>2</sup> Policy DM15 supports development that demonstrates that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. The reason for refusal includes reference to a 'Vehicle Crossover Policy' July 2021 (VCP), which the Council has confirmed is an adopted non-planning Council document, and does not have the status of a

---

<sup>1</sup> Southend on Sea Core Strategy Development Plan Document One, 2007

<sup>2</sup> Southend on Sea Development Management Document, 2015

supplementary planning document. The VCP sets out the approach that will be applied for technical applications for a new crossing, as opposed to the planning requirements.

6. It is clear in the VCP that a technical application would not be approved if the proposed access is less than 10 metres from a minor junction. Whilst specific hazards associated with such accesses are not identified in the document, the introduction to the VCP sets out its purpose, and the Executive Summary notes that, when considering applications for technical approval, the Council must also balance the consequences, particularly the safety of other road users.
7. The Council has not explained the likely hazards that could arise from the proposal. Equally, the appellants have provided limited information to demonstrate that introducing a crossover so close to a road junction would be safe, and would not cause material harm to highway safety. I note the appellants view that road users and pedestrians exercising due care and attention should be sufficient to avoid harm, as the access would be a minor feature of the urban environment of the type and nature safely negotiated all of the time. However, I consider that the manoeuvring of vehicles at this point could potentially introduce unnecessary additional hazards, and conflict with other vehicles slowing to enter Ennismore Gardens. No information has been provided regarding the status of the other nearby accesses, but this proposed access would be closer still to the junction.
8. The National Planning Policy Framework is clear that, in assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Given the potential implications of allowing a crossover in a sub-standard position, on the basis of the information provided I am not convinced that the proposed access would be safe. I accept that if the appeal were successful the appellants would need to make a separate application for a Road Opening Permit to the Council's Traffic and Highways Service, but that does not override the need to demonstrate in this appeal that highway safety would not be compromised.
9. The appellants have given details of a previous version of the VCP but this has limited weight as it appears to have been replaced by the 2021 version, with its altered text.
10. I have had regard to the appeal allowed at 307 Westbourne Grove (ref. APP/D1590/D/20/3252600). Whilst no other details have been provided, it would appear from the decision letter that the appeal property had an existing crossover and forecourt parking, and the proposal sought to extend and improve the access. Proximity to a road junction does not appear to have been an issue. As such, the appeal decision offers limited support to this proposal.
11. I therefore conclude that, on the basis of the information supplied, it has not been demonstrated that the proposed vehicular crossover could be constructed without causing material hazards to highway safety, contrary to the aims of the Framework, CS Policy CP3 and DMD Policy DM15.

## **Conclusion**

12. For the above reasons, I conclude that this appeal should be dismissed.

*H Lock* INSPECTOR