

Appeal Decision

Site visit made on 30 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/A2280/W/21/3273858

166 Bells Lane, Hoo, Rochester, Kent, ME3 9JA

- 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 Louise Norris against the decision of Medway Council.
 - The application Ref MC/20/2573, dated 9 December 2020, was refused by notice dated 2 February 2021.
 - The development proposed is change of use of amenity land outside my boundary fence to provide dropped kerb to allow off-street parking on to my property front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issue

3. The main issue is the effect of the development on the safety and convenience of highway users.

Reasons

4. The appeal site is located on the corner of Bells Lane and The Chimes, with the existing parking space and garage being located off The Chimes. The dwelling fronts onto Bells Lane with landscaping currently enclosed by a picket fence. A footpath runs along the front of the site with an informal pedestrian crossing which narrows the carriageway in this location, and creates a give way shuttle working for traffic travelling along Bells Lane.
5. The proposal would result in the creation of a parking space located to the front of the dwelling with a new vehicular access created onto Bells Lane. This would require one of the existing bollards to be relocated. However, it has not been demonstrated within the evidence before me that vehicles entering and exiting the proposed parking spaces would be provided with sufficient space to turn right out of the spaces onto Bells Lane.
6. Furthermore, any vehicles reversing out of the proposed space could come into conflict with cars entering or exiting the one way shuttle working and as a result the proposed access could result in conditions that would be detrimental to highway safety. Whilst it has been put to me that the size of the parking

- area is of sufficient size to enable a car to turn within the site, I have not been provided with a plan to demonstrate that this is achievable.
7. The Council's Principal Transport Officer notes that the road is subject to a high volume of traffic flows and that was evident from my own site visit. The appellant considers that the area experiences low traffic speeds, however there is insufficient evidence before me to demonstrate that this is the case. Furthermore, even if I were to accept the level of additional vehicle movements associated with the proposed access would be limited, it would not overcome my concerns that the proposed parking space and vehicular access would be detrimental to highway safety.
 8. I have had regard to the number of other similar parking arrangements along Bells Lane and therefore the vehicular movements associated with accessing and exiting the parking area would not be unusual or unexpected. I have considered the site opposite, which has an access serving a number of properties with parking provided to the front of those dwellings. However, the width of the parking apron is sufficient to enable cars to turn within the site and the access is positioned at a point where the road widens to two lanes. Therefore, the examples I have been provided with are not directly comparable as they are not located adjacent to traffic calming measures which result in a narrowing of the road adjacent to the proposed access.
 9. Having regard to the number of other accesses located along Bells Lane, I accept that in those circumstances it is likely that the potential for conflicting movements would be anticipated well ahead by all parties. However, as a result of the close proximity of the traffic calming measures and road narrowing at this point drivers attention would be focused on the need to give way to oncoming traffic as they approach the shuttle working and therefore collisions may not be avoided. This leads me to conclude that the layout of the road outside of the appeal site is different to many of the examples I have been directed to by the appellant.
 10. I note that the guidance within Manual for Streets 2 (MFS2) advises that unless there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily be a problem. It is not clear from the evidence before me whether the proposed access would be able to achieve an acceptable level of visibility. However, the highway authority has objected to the scheme and based on the evidence before me and from what I saw on my site visit, I would have concerns about the highway safety implications of any reduction in the required visibility splays.
 11. The benefits outlined by the appellant, the addition of off-street parking in an area where parking is in demand and the ability to provide an electric car charging point are noted. However, the property does already benefit from two off-street parking spaces, accessed off The Chimes and whilst these may not be as convenient as a parking space located to the front of the property, the benefits arising from a further parking space are limited. In addition, I have not been provided with any evidence that it would not be possible for an electrical charging point to be installed to serve the existing garage and parking space.

12. In conclusion, I consider that the proposed access would result in an adverse effect on highway safety, with the potential for conflict with vehicles exiting the site onto Bells Lane. The development would conflict with policy T1, T2 and T13 of the Medway Local Plan 2003 which together seek to ensure the safety of vehicle occupants, cyclists and pedestrians, not adding to the risk of road traffic accidents and ensuring adequate standards of parking provision. Therefore, I consider that the development would also be contrary to policy 111 of the Framework which advises that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR