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## Appeal Decision

Site visit made on 22 February 2022

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 7<sup>th</sup> March 2022**

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**Appeal Ref: APP/K2230/D/21/3289984**

**11 Hillingdon Road, Gravesend, Kent, DA11 7LQ**

- 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 L Davis against the decision of Gravesend Borough Council.
  - The application Ref 20211012, dated 10 August 2021, was refused by notice dated 11 October 2021.
  - The development proposed is for the creation of a vehicle access and off-road parking space with retaining walls, relocation of access steps to dwelling, planting area and electric charging point.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host property and the street scene. The second main issue is the effect of the proposal on highway safety.

### Reasons

#### *Character and appearance*

3. The area in which the appeal site is located is characterised by rows of uniformly designed two storey terraced houses, with similar ridge and ground levels. As a consequence, the front gardens are increasingly elevated along the western part of the southern side of Hillingdon Road, where the ground levels fall away. These elevated gardens are typically set behind ornate front retaining walls and have retaining walls to the sides, which step up to the south. Within the front gardens are elevated lawns, shrubs and pedestrian steps.
4. The consistency in the design and appearance of the dwellings, the ornate front boundary walls and the soft planting both within the front gardens and within the verges at the western end of Hillingdon Road make a material contribution to the uniform and verdant character and appearance of Hillingdon Road and the wider area.
5. The appeal dwelling, which comprises an inner terraced house is consistent with this. It is located within a row of dwellings with elevated front gardens set behind ornate front boundary walls. The appeal site garden is largely laid to

lawn, with several shrubs along the side boundaries and a flight of access steps leading to the front door.

6. It is noted that one of the front gardens along this stretch of Hillingdon Road has been excavated and a flat roofed garage which projects up to the back edge of the pavement has been constructed. Not only does it upset the rhythm and uniformity of the terrace, it has an uncharacteristic urbanising impact on this part of Hillingdon Road.
7. Elsewhere along Hillingdon Road, where the properties are not materially elevated above road level, a significant proportion of the front walls and soft landscaped gardens have been replaced with crossovers and on-site parking. Where this has occurred, it has similarly had an urbanising impact on the street scene. In addition, these crossovers have reduced the amount of on-street parking available within Hillingdon Road and from my site visit it is evident that the pressure for on-street parking spaces within the western part of Hillingdon Road is strong.
8. Together and amongst other things Policy CS19 (Development and Design Principals) of the Gravesham Local Plan Core Strategy 2014 (CS), and paragraph 12 of the National Planning Policy Framework 2021 (the Framework), requires new development to be visually attractive as a result of good design, function well and conserve and enhance the character of the local built environment. As stated in paragraph 126 of the Framework good design is a key element of sustainable development.
9. With the proposal, the existing front boundary wall would be removed and the grassed area would be excavated to provide a block paved parking area. The steps would be realigned to provide a shrub bed at the same height as the parking area and new retaining side and rear walls would be constructed.
10. Notwithstanding the proposed soft landscaping, the resultant front garden would appear visually hard and the raised wall to the front of the house would be out of keeping with the host dwelling, the terrace and the street scene. The proposal would materially detract from the uniform and verdant character and appearance of the terrace and the street scene.
11. This harm would outweigh the personal benefits for the appellant and their family that would result from the availability of on-site parking. It would similarly outweigh the personal and environmental benefits of providing an on-site electric car charging point.
12. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the host property and the street scene. Accordingly, it would conflict with CS Policy CS19 and section 12 of the Framework.

#### *Highway safety*

13. The Gravesham's Planning Guidance Note 6 for vehicular crossovers onto classified highways (2009) (SPG) sets out visibility splay requirements for crossovers within Class C local distributor roads that are subject to a 30mph speed limit. As pointed out by the appellant, Hillingdon Road is not included in the lists of classified roads attached to this guidance note. As such the SPG is not directly applicable to the proposal.

14. However, the Kent County Council's Vehicles Crossing Guidance and Self-Assessment (2018), (VCG), similarly sets out visibility splay standards. It advises that probably the most important contribution to road safety is the provision of visibility. It should be possible to see pedestrians and vehicles clearly enough to drive out of a driveway without causing danger. The VCG advises that in relation to footways, visibility splays of 2 metres x 2 metres should be provided and that within these splays there should be no obstruction to visibility between the heights of 0.85 and 2.0 metres above the footway. The lower height should be reduced to 0.6 metres for footways likely to be used by small children. The VCG also advises that where visibility splays cross land outside the ownership or control of the applicant, a relaxation of this requirement may be considered, taking into account the amount of pedestrian activity and the width of the footway.
15. Saved Policy T5 of the Gravesham Local Plan First Review 1994 (LP)) states that the formation of new accesses will not normally be permitted, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the local planning and highway authorities. Paragraph 111 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
16. The footpath outside the dwelling is less than two metres in width and is flanked on one side by garden walls and the other by on-street parking. At the time of the appeal site visit there was considerable pedestrian activity along Hillingdon Road, including school children, parents and young children. It is a location where pedestrian visibility splays are warranted for highway safety reasons.
17. The gardens on either side of the proposed parking area have raised gardens and walls, which reduce pedestrian visibility to and from the proposed parking area. Also, for any drivers reversing out of the proposed parking space visibility would be particularly poor.
18. For these reasons, the proposed access would have an unacceptable impact on highway safety.
19. Although I have found that pedestrian visibility would be unacceptable, I am less concerned about vehicular visibility. This is because the pavement would provide reasonable forward visibility of and from vehicles exiting the driveway and due to the incidence of on-street parking in this part of Hillingdon Road, traffic speeds are likely to be restricted.
20. I note that the highway authority states that the minimum width for a domestic parking space is 2.7 metres. Whilst the width of the inner part of the parking area is just 2.6 metres, a significant part of the parking area, including the area required for accessing and exiting vehicles and accessing the access steps to the dwelling are considerably wider. Accordingly, I find that the width of the parking space would be satisfactory.
21. Finally, with regard to surface water drainage, this is a matter that could be satisfactorily dealt with by condition.
22. I conclude on the second main issue that, whilst I have found in favour of the appellant on some points, the pedestrian visibility splays would be inadequate

and would have an unacceptable impact on highway safety. The proposal would therefore conflict with LP Policy T5, the VCG and paragraph 111 of the Framework.

### **Conclusion**

23. The conclusions on both main issues amount to compelling reasons for dismissing this appeal, which the imposition of conditions would not satisfactorily address.

*Elizabeth Lawrence*

INSPECTOR