



Appeal Decision

Site visit made on 7 July 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25TH July 2022

Appeal Ref: APP/A2280/W/22/3290134

136 Frindsbury Road, Strood, Rochester ME2 4JG

- 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 Nicholas Wade against the decision of Medway Council.
 - The application Ref: MC/21/2485 dated 20 August 2021, was refused by notice dated 18 October 2021.
 - The development proposed is dropping the kerb to allow access for a car to be parked off the road; the land at the moment is garden to the side of the house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant provided additional information in the description of proposed development regarding contact made with the Council, but it is not necessary for me to record this in the header above.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety.

Reasons

4. The appeal property is an end of terrace property on the south east side of Frindsbury Road, the A228. The appeal property and the adjoining properties within the terrace open directly onto the narrow footway; the appeal property has a fenced side garden area. The A228 is a main route into Strood Town Centre from the north-east and at the time of my site visit was steadily busy with traffic in both directions. There are double yellow lines outside the appeal property and on-street parking opposite.
5. The proposal would introduce a parking space into the side garden area of the appeal property. The front fence would be removed and the side fence between the garden and an area of open land to the north east would be lowered.
6. Given the size and dimensions of the site available for the parking space, vehicles would be required to either reverse in or out of the parking space onto the road; there would not be room for vehicles to turn within the site. Although the lowering of the fence would assist with visibility lines towards the north-east, and the parking space would be as far towards the boundary fence as possible, visibility in the other direction would be restricted by the house itself.

7. I have taken into account the very low accident record for the stretch of road including outside of the appeal property as well as the visibility splays provided by the Appellant and the likely number of times per day that the access would be used. However, given the busy nature of the road, I consider that the requirement to reverse in or out of the parking space, with limited visibility to the south west because of the existing house, would unacceptably increase highway dangers and inconvenience to the free flow of traffic on the main road.
8. Whilst the visibility for pedestrians would be constrained when approaching from the south-west, I have taken into account the evidence from the Appellant and national guidance. I accept that the pedestrian position would be less restricted with the proposed parking space sited as far away from the house as possible. However, my finding on pedestrian safety does not outweigh the harm I have concluded on highway safety.
9. I therefore conclude that the proposal would result in an unacceptable impact on highway safety. This would conflict with Policies T1 and T2 of the Medway Local Plan and paragraphs 110 and 111 of the National Planning Policy Framework, all of which, amongst other things, seek to ensure highway safety for all users.
10. I have taken into account that there are dwellings slightly further to the north-east which have off street parking, some of which require vehicles to reverse in or out of the parking space. However, these spaces are generally much more spacious in size and most have more generous visibility splays in both directions. They do not therefore compare with the situation before me.
11. There has been a previous appeal decision for a very similar proposal, albeit it without the supporting highways report submitted with this appeal, which was dismissed in February 2021 under the Ref: APP/A2280/D/20/3263091. I see nothing in that appeal decision which contradicts the decision I have reached in this case.
12. The Appellant has also provided me with three appeal decisions relating to the provision of a domestic off-street parking space with dropped kerb on busy highways, all of which were allowed (Refs: APP/A5270/D/10/2123583; APP/A5270/D/10/2134455 and APP/L5810/D/10/2143040). Each proposal must be considered on its individual merits and whilst in so far as the information has been made available to me, I have taken them into account, it is not clear to me how comparable the situations in those appeals are with the proposal before me in terms of the nature of the road and the form of the proposal. I am therefore not persuaded to a different view in the particular circumstances of this case.
13. The Appellant has also included a plan showing how the highways position could be improved to increase the width of the footway on the side of the road including the appeal property. However, this does not appear to be being offered by the Appellant and there is no information before me to suggest that it is being proposed by the Highway Authority. I am therefore unable to take these proposals into account.
14. Similarly concerns expressed regarding the need for other similar improvements in the local area are not pertinent to my assessment in this case and are a matter to be raised direct with the Highway Authority.

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

L J Evans

INSPECTOR