



Appeal Decision

Site visit made on 10 June 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 August 2022.

Appeal Ref: APP/A2280/W/21/3283495

131 Watling Street, Strood, Rochester, Kent ME2 3JJ

- 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 Angela Ogunnusi against the decision of Medway Council.
 - The application Ref MC/21/1010, dated 8 April 2021, was refused by notice dated 26 July 2021.
 - The proposed development is for change of use to the amenity land and access onto a classified road, namely Watling Street for vehicle crossing.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the Appellant's original application form and slightly differs from that used on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed and as such I have used the description as originally stated upon the application form.

Main Issues

3. The main issues are the impact of the proposals upon the character and appearance of the streetscene and upon the safe and efficient use of the public highway.

Reasons

4. The appeal property is a suburban property which is part of a terrace fronting onto the A2 Watling Street. In the immediate vicinity of the property Watling Street is characterised by mature trees that line the highway and there appeared to be a shared footpath and cycle path running alongside the road here. Between the highway trees there are grassed verges that I saw on my site visit were largely, but not exclusively, free of parked cars.
5. I consider that the tree lined road in this area creates an attractive streetscene that is reinforced by the grass verges and the front garden areas of adjoining houses. These gardens are often separated by low walls or railings meaning that they are generally visible from the road itself and therefore they contribute to the green and attractive feel of the environment here.

6. The appeal property has vehicular access to a parking court to its rear that is shared by several other houses. Access to this area is along a narrow entry from an adjacent street but nevertheless provides an area of off road parking for the use of residents and is served by garages. The area is very much a back-land area where natural surveillance appears somewhat lacking. Despite this it appears that the Appellant's have access to a garage that is adjoining their property and that could give direct access into their rear garden.
7. The appeal proposal seeks permission for a vehicular crossing over the grass verge and footpath/cycle path so as to allow the parking of vehicles to what is currently the front garden area of the property. The justification for this is due to the difficulty of using the rear parking court on a day to day basis and through the fear of threat or violence through using this area due primarily to the lack of natural surveillance or overlooking of the space.
8. In assessing this appeal I give great weight to the needs of the Appellant in their desires of being able to park their vehicles to the front of their property for a plethora of practical reasons, this includes being a young family and the need feel safe. This must be weighted against the impact of the proposal upon the character and appearance of the streetscene and the practicalities of ensuring the safe use of the highway itself.

Effect of the proposals upon the character and appearance of the area

9. As mentioned above the character of the streetscene here is one of a mature tree lined road with grass verges and a generous amount of space to the fronts of properties. I consider that this character is attractive and considerably enhances the character and perception of this major road. I saw on my site visit that in some parts this character has been eroded through loss of verges, trees and through the encroachment of vehicular crossings.
10. In the case of the appeal before me I consider that the proposed vehicular crossing would have an adverse impact upon the character and appearance of the streetscene not only through the physical intervention of a crossing and associated driveway, but also through the introduction of vehicles being parked to the frontage of the appeal property where they would be visible. Such an intervention would therefore undermine the green frontage of this part of Watling Street and lead to an erosion of this important character.
11. Although I note the possibility of using grass mesh reinforcement, I do not consider that this in itself would be enough to mitigate the harmful impact of introducing formal parking and vehicular crossing points here. Although I am sympathetic to the issues around using the rear garage court, I have no evidence before me as to the actual level of threat or any initiatives that have been undertaken in order to mitigate such a fear of crime. As such I can only give this matter limited weight and I do not consider that the resultant harm to the streetscene is ultimately justified in light of this.
12. As such I consider that the proposal would be contrary to Policy BNE1 of the Medway Local Plan 2003 as well as guidance on good design as contained within the National Planning Policy Framework (2021).

Effect of the proposal upon the safe and efficient use of the highway

13. The proposed driveway would extend down a slope from the front of the appeal property towards the main carriageway of Watling Street. In doing so it would

need to cross a shared pedestrian and cycle route that runs directly past the appeal site as well as the grass verge adjoining the main carriageway.

14. Due however to the lack of ability to turn a vehicle around within the property curtilage, there would be a need to reverse a vehicle to or from the appeal site towards the highway. Any driver doing this would need to retain a careful lookout for pedestrians and, it would appear, for cyclists using the path outside of the property.
15. Although I consider that the actual space and openness is present here to allow cross visibility between pedestrians and vehicles, I consider that, due primarily to the need to reverse onto or from Watling Street, perhaps in some haste at times so as to avoid other traffic, that there exists a credible danger to other users of the highway, especially those travelling faster than walking pace. As such I consider pedestrians or cyclists could well be put at risk through this manoeuvre and associated hindrances of undertaking it.
16. As such I consider that the proposal would result in a potential adverse impact upon the safe and efficient use of the highway here and as a result the proposal would be contrary to Policies T2 and T3 of the Medway Local Plan 2003.

Conclusion

17. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR