
Appeal Decision

Site visit made on 16 August 2022

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2022

Appeal Ref: APP/T2215/D/22/3294551

1 Orchard Lea, Westwood Road, Southfleet DA13 9LT

- 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 J Foley against the decision of Dartford Borough Council.
 - The application Ref DA/21/01474/FUL, dated 17 September 2021, was refused by notice dated 23 December 2021.
 - The proposed development is for the formation of a vehicular access on to the B262 and provision of two off-street car parking spaces in the front garden.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicular access on to the B262 and provision of two off-street car parking spaces in the front garden at 1 Orchard Lea, Westwood Road, Southfleet DA13 9LT in accordance with the terms of the application, Ref DA/21/01474/FUL, dated 17 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3420 01A, 4320 04B, 4320 SK04 A, 4320 06.
 - 3) Prior to the first use of the development hereby approved, visibility splays of 36.3 metres by 2 metres by 43 metres shall be provided and thereafter there shall be no obstruction exceeding 1.05 metres within the splays.
 - 4) Prior to the first use of the development hereby approved, pedestrian visibility splays of 2 metres by 2 metres by 2 metres behind the footway on both sides of the access shall be provided and thereafter there shall be no obstruction exceeding 600 mm within the splays.
 - 5) Prior to the first use of the development hereby approved, space shall be laid out within the site in accordance with drawing no. 4320 SK04 A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, and that space shall thereafter be kept available at all times for those purposes.

Preliminary Matters

2. An application for costs was made by Mr J Foley against the decision of Dartford Borough Council. This application is the subject of a separate Decision.

3. My attention has been drawn to a previous appeal concerning a nearby site (reference APP/T2215/A/02/1105007). I shall have regard to this background when considering the merits of this proposal.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons

5. The appeal site relates to a semi-detached house sited on Westwood Road. The surrounding area is predominantly residential in nature, with other vehicular crossovers evident to the front of properties further along this side of Westwood Road.
6. At my site visit in the mid-morning I saw a number of vehicles parked on the street outside the group of dwellings forming Orchard Lea. Traffic was intermittent in nature, and when nearing the junction generally proceeded with caution. Vehicles negotiating the turning from Station Road onto Westwood Road were obliged to take a wide path to avoid the parked cars outside the appeal site and the neighbouring residences. Despite the time that has passed, I am mindful that the general highway environment I experienced appears to be broadly similar to that described by the Inspector who allowed the appeal for a crossover at 4 Orchard Lea in 2003.
7. Approaching the junction from the east along Station Road I noted a number of traffic signs, including the speed limit of 30mph, plus warnings of the upcoming crossroads and that the carriageway is too narrow. I am also cognisant that the appeal proposals incorporate a turning area on site such that vehicles can enter and exit the site in a forward gear, which is a considerable benefit of the scheme. As this is obviously a residential area, there is no reason to suppose that drivers would not be aware of the possibility of other drivers seeking to exit their parking areas and join the highway. Moreover, the number of movements to and from the property would not be significant.
8. I am aware that the visibility splays recommended by the County Council Highways Authority cannot be achieved, and that no traffic speed survey has been undertaken. However, to my mind, the shortfall in the eastern splay would not be substantial, particularly when balanced against the highway environment I have outlined above. I am told that there have been 2 crashes in the last 5 years at the junctions, but have not been provided with specific evidence of the circumstances surrounding these incidents.
9. I have carefully read all the submissions and there is a clear difference in opinion between the main parties, particularly with regard to the interpretation of Manual for Streets. Nevertheless, taking my observations of local highway conditions in the round, together with the provision of the on-site turning facility and the presence of other nearby crossovers, I am of the view that the proposals would not be sufficiently harmful as to warrant a refusal of planning permission.
10. I conclude that the scheme would not result in an unacceptable impact on highway safety. It would accord with Policies DP4 and DP7 of the Dartford Development Policies Plan July 2017, which promote safe access for vehicles and pedestrians. It would also be consistent with the advice in the National

Planning Policy Framework which seeks to ensure development has an acceptable impact on highway safety.

Conditions

11. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions relating to parking provision and visibility splays are necessary to ensure highway and pedestrian safety. I have altered one of the splay figures to reflect that shown on plan 4320 SK04 A.

Conclusion

12. Accounting for my reasoning and all issues raised, the appeal is allowed.

C Hall

INSPECTOR