



Appeal Decision

Site visit made on 13 September 2022

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/E2205/D/22/3294719

Shipley Cottage, Mill Hill, Ashford Road, Kingsnorth, Ashford, Kent, TN23 3EW.

- 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 Ms Yosra Mahjoub against the decision of Ashford Borough Council.
 - The application Ref 21/01959/AS, dated 19 November 2021, was refused by notice dated 8 February 2022.
 - The development proposed is described as *a dropped kerb*.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on highway safety.

Reasons

3. Shipley Cottage is a semi-detached cottage located alongside the Ashford Road, which I saw is a busy classified road with a 40 mph speed limit. The property sits on a modest plot with a small narrow side garden and a very narrow front garden behind a grass verge and pavement.
4. There is not currently any on-site parking and I understand from the evidence before me that the appellant parks in a lay-by on the opposite side of the road. However, she is concerned that the road can be hazards to cross with her child, carrying shopping etc. The appellant therefore proposes a vehicle crossover and hardstanding to provide parking on site.
5. Policy TRA7 of the Ashford Local Plan 2030 (Adopted February 2019) states, amongst other things, that new accesses and intensification of use of existing accesses on to the road network will not be permitted if a clear risk of road traffic accidents or significant delays would be likely to result.
6. Given the classification of this busy road and the current speed limit it is, in my judgement, essential in order to maintain highway safety and avoid significant delays to traffic for vehicles to enter and exit the site in a forward gear.

7. The drawings are small scale, and a swept path diagram to illustrate how vehicles would manoeuvre so that they are able to enter and exit the proposed parking area to the side of the house in a forward gear have not been provided.
8. The appellant has submitted at appeal a freehand sketch to illustrate how she believes she might be able to pull off the road onto the verge/front garden and then reverse along the side of dwelling to park. However, this is not to scale, and in any case, this proposal has not be considered by the Council. As this is a matter that the Council would need to consult on it would be for them to consider this proposal in the first instance.
9. Based on the poor drawings provide and from my observations on site I can only conclude that there would not be adequate space for on-site turning. Accordingly, it is likely that vehicles may either stop on the road to reverse into the parking space or back out onto the road. Thereby potentially disrupting the free flow of traffic and/or endangering highway safety. To allow the appeal would therefore be contrary to the objectives of LP Policy TRA7 and the National Planning Policy Framework.

Other Matters

10. I appreciate that there may well be, as identified by the appellant, examples of existing crossovers which do not benefit from on-site turning. Whatever the background to those cases, the existence of other substandard crossovers at nearby sites is not an appropriate justification for permitting another hear.
11. I am sympathetic to the appellants very practical concerns about continuing to use the lay-by on the other side of the road for parking. However, given the harm to highway safety that would ensue if an unsafe crossover was formed here I can only give this consideration limited weight in my deliberations.

Conclusions

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

Philip Willmer

INSPECTOR