



Appeal Decision

Site visit made on 5 October 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/X2220/W/21/3287796

3 Lower Rowling Farm Cottages, Rowling Road, Goodnestone, CT3 1PZ

- 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 Richard Baker against the decision of Dover District Council.
 - The application Ref 21/01260, dated 8 August 2021, was refused by notice dated 24 November 2021.
 - The development proposed is described as "To create a new entrance from the road onto my property. Current access is by way of a shared accessway with the neighbouring property. Due to my partner's illness a need for uninterrupted disabled access is now required that will not be obstructed. I am proposing creating an entrance on the right hand corner of my property and closing of the existing entrance with closeboard fencing. This work will involve a small amount of levelling of the ground and then the creation of a gravel driveway/ parking area. The 5 bar gate from my current entrance will then be moved and set within this area to allow pulling off the road for access. The threshold will consist of granite sets set in cement and pointed with an epoxy jointing compound. They will be set slightly above the tarmac to guide rainfall away from the entrance. No additional runoff will be created that will flow onto the highway. The driveway/ parking area behind the threshold will be permeable and will allow free drainage. The current entrance to my property will then be closed off with the same closeboard fencing I currently have on each side. The line of this will follow the edge of the shared accessway demonstrated on the plans submitted and well within my own property (edged in red)."
-

Decision

1. The appeal is allowed and planning permission is granted for creation of a new vehicular access and driveway at 3 Lower Rowling Farm Cottages, Rowling Road, Goodnestone, CT3 1PZ in accordance with the terms of the application, Ref 21/01260, dated 8 August 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 Plans 1 and 2 and with the details contained in the description of proposed works in the application form dated 8 August 2021.

Preliminary Matters

2. The appellant's description of development is lengthy and is more concisely described by the Council as "creation of a new vehicular access and driveway". As well as the works required to create the access, including levelling and new hard surfacing, a gate would be installed and fencing erected within the site to block the existing drive into No 3. In the absence of anything to the contrary, these elements of the proposal should also be considered as part of the appeal.

Main Issue

3. The effect of the proposed access on highway safety along Rowling Road.

Reasons

4. The proposal is to enable a separate vehicular access for No 3. This is currently shared with 2 Lower Rowling Farm Cottages.
5. On exiting the site, visibility to the north would be impeded by the large sycamore tree on the edge of the road. To the south is a roadside hedge in different ownership and there is no certainty that this could be reduced in height. The Council has not specified the visibility splays that it considers necessary but what is available is likely to be below the design standards specified in *Manual for Streets* (DfT, 2007).
6. However, Rowling Road is a narrow rural lane that serves a limited number of properties and loops around from Sandwich Road. In general it can be expected that traffic levels are low and speeds modest. The pending development of Rowling Farm may increase the number of movements along it but, even then, they are likely to be relatively infrequent. Consequently the chances of encountering a vehicle travelling along Rowling Road at the same time as leaving the appeal site via the proposed exit are likely to be very small. Incidents of speeding or use of the road as a 'cut through' are also likely to be limited due to its nature and the sparsely populated surroundings.
7. Nevertheless, joining Rowling Road from within the appeal site would need to be undertaken with care. That said, the ability to see and hear on-coming traffic would not be markedly different from that experienced at the existing access a little way to the north. Furthermore, the proposed arrangements would be similar to many other access points in the countryside and would not be inherently unsafe. Furthermore, by virtue of Class B, Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, in certain circumstances, the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road is permitted development not requiring planning permission.
8. Turning into and out of the appeal site in a large vehicle would be a little awkward given the restricted width of the lane. However, that raises practical considerations for the occupiers rather than safety issues. The alignment of the proposed section of fencing within the site would not appear likely to make access to No 2 more difficult due to its position well back from the road.
9. The adjoining occupiers refers to two near incidents associated with the existing access. No details are given but the risk of a collision when exiting onto Rowling Road cannot be completely ruled out. But that is true of many turning movements. Indeed, due to the above factors the risk associated with the use of the proposed access would be very low and not sufficient to preclude the proposal from proceeding. Indeed, there would be no unacceptable impact on highway safety and therefore no conflict with paragraph 111 of the National Planning Policy Framework.

Other Matters

10. The proposed works would be well separated from the listed building at Elizabethan Cottage to the north and given their extent, there would be no adverse impact on its setting.
11. The adjoining occupier is concerned about the height of the fencing already erected. However, the roadside fence is not referred to as part of the proposed works and is therefore outside the ambit of the appeal. Therefore this is a matter for the Council to investigate if it wishes and take any appropriate action if it is expedient to do so.
12. The appellant has explained the reasons for wishing to have a separate access which are linked to the health needs of his partner and I have taken on board the observations of the occupier of No 2 in this respect. In any event, the assessment undertaken for this appeal relates to the consequences of the development rather than judging whether it is necessary or not.

Conditions

13. The Council suggests conditions regarding surfacing material and drainage but such details are covered in the application form. Therefore these matters can be secured by specific reference to the description of the proposed works. This condition should also specify the approved plans in the interests of certainty.

Conclusion

14. No development plan policies have been referred to but material considerations indicate that the proposal is acceptable. Therefore the appeal should succeed.

David Smith

INSPECTOR