
Appeal Decision

Site visit made on 4 January 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2023

Appeal Ref: APP/M1520/D/22/3310894

342 London Road, South Benfleet, BENFLEET, SS7 1BG

- 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 Terence Furlong against the decision of Castle Point Borough Council.
 - The application Ref. 22/0536/FUL, dated 8 July 2022, was refused by notice dated 5 September 2022.
 - The development proposed is dropped kerb and new driveway to front of property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development above has been taken from the Council's decision notice and the appellant's appeal form. Whilst normally this would be taken from the original application form, the above is a condensed version of the description on that form.
3. The grounds of appeal set out information about the need for the proposed access which was not included in the original planning application. As such, the Council was given the opportunity to comment on the grounds of appeal, and comments received have been taken into account.

Main Issues

4. The main issues are (1) the effect of the proposal on highway functioning and safety; and (2) the need for the proposed development.

Reasons

Highway Functioning and Safety

5. The appeal property is a detached dwelling located on London Road, a Main Distributor. Essex County Council as highway authority advises that the function of such roads is to carry traffic safely and efficiently between major centres within the County. At the time of the appeal site visit, there was a steady flow of traffic using the road in front of the appeal site.
6. In its consultation response to the planning application, the highway authority confirmed that it seeks to protect the function of Main Distributor roads by ensuring that the number of access points are kept to a minimum; and by

ensuring that where safe access is available to a lower category of road, that this is used.

7. In this context, the appeal dwelling forms one of a group of properties with no direct access onto London Road, but with rear parking reached from Felstead Road to the east. The appeal property appears to benefit from one off-road space and one garage space to the rear. Much of the front garden is paved. The neighbouring dwelling to the east, No.344, has a vehicular crossover onto London Road, as it has no rear access, and the same appears to apply to dwellings at the western end of this housing group (although the appellant advises that some have dual access). There is a traffic light controlled junction further west.
8. The appellant considers that a key factor in this appeal is the right-turn filter lane from London Road to Felstead Road in front of the site. This was not in place at the time of a previous appeal dismissal for a drop kerb in 2015¹. However, although it allows for access into No.344, this filter lane is primarily intended for vehicles to stand clear of traffic whilst waiting to turn into Felstead Road.
9. I consider it likely that a vehicle waiting to turn right into the appeal site could restrict the use of the filter lane, thereby undermining its effectiveness and purpose. This impact would appear to be slightly less for vehicles accessing No.344, as it is closer to the road junction than in this case, leaving more space for queuing vehicles in the filter lane. In this regard, the proposal has the potential to interfere with the flow of traffic and the efficiency and functioning of this main road. As this results in an objection by the highway authority, the proposal conflicts with Policy T2 of the Castle Point Borough Council Local Plan 1998 (LP).
10. I note the appellant's view that turning left or right from London Road into Felstead Road or into the appeal site driveway would be no different. However, given the fairly constant traffic using London Road, the introduction of a further access onto this stretch, close to road junctions and traffic lights, would result in an additional point of potential conflict for highway users. Although there are other accesses in the vicinity, minimising the number of points onto the road would reduce the opportunity for traffic conflict and therefore safety risks. I agree that there would be no need to reverse into or from the appeal site, although this would not be the case if more than one vehicle were to be parked on the frontage.
11. The appellant has drawn attention to a number of other vehicular accesses in the vicinity, but also notes that the use of some would be hazardous. No details of the planning permissions granted for these accesses and the reasoning behind the decisions has been supplied. As such, it is unclear what planning policies, highway standards and traffic conditions were in place at the time of their installation. On the basis of the available information, they offer limited support for a development that would introduce its own highway risks.
12. I therefore conclude that the introduction of an additional access point would detract from highway functioning and safety, in conflict with LP Policy T2, and with LP Policy EC2 and RDG12 of the SPD², which together seek to ensure that

¹ Ref. APP/M1520/D/15/3129549

² Castle Point Residential Design Guidance Supplementary Planning Document, 2013

access to all forms of development must be safe and convenient. These are consistent with paragraph 110 of the National Planning Policy Framework, which advises that in considering development proposals, safe and suitable access should be achieved for all users.

Need for Development

13. The grounds of appeal refer to a need for access from the front of the property, to allow safe parking for a disabled family visitor. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 is engaged because a member of the family has protected characteristics which are relevant to the development, although the new access would not be solely or mainly for use by persons with protected characteristics.
14. Parking on the site frontage may have some benefits in terms of proximity to the dwelling, albeit access via the front door does not appear to be level. Although the appellant advises that other areas for parking at the site are unsuitable, it is not specified why the reasonably short distance from the rear parking area prevents access to the property when required. In this context, I am not satisfied that the proposed benefits of the proposal would outweigh its highway risks.
15. A further purpose of the proposal is to facilitate the charging of an electric vehicle. The appellant advises that this is only feasible at the front of the house due to the location of the fuse box and the cost of installing cabling to the rear parking area. Whilst the installation of a charging point for an electric vehicle would bring environmental benefits, to facilitate this in the manner proposed would be at the expense of highway safety. I do not consider this to be a compelling argument to justify the proposal given alternative charging options could be available.
16. I therefore conclude that the need for the development would not outweigh the potential harm to highway safety, and that it would be proportionate and necessary to dismiss the appeal.

Other Matters

17. Although I appreciate the concern of the Council and the local highway authority that allowing the proposal would set a precedent for future similar developments, I have determined this appeal on its own site-specific merits.

Conclusion

18. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR