



Appeal Decision

Site visit made on 3 February 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2023

Appeal Ref: APP/K2230/D/22/3305568

156 Wrotham Road, Gravesend, Kent DA11 7LB

- 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 S Singh of MDK Global Limited against the decision of Gravesham Borough Council.
 - The application Ref 20220445, dated 22 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is the creation of a vehicular access and hardstanding to frontage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) highway safety and (ii) the character and appearance of the area.

Reasons

Highway safety

3. The appeal property is a mid-terrace dwelling, which is set back from the highway. Most houses along this part of the road do not have driveways and parking takes place on the street in front. The highway is a classified road (A class), with a 30mph speed limit. It is defined as a network primary distributor on the Gravesham Local Plan Core Strategy 2014 (CS) Policies Map.
4. Given the width of the site, it would not be possible to manoeuvre a vehicle on site and exit in a forward gear. Vehicles would have to reverse onto the pavement, where visibility would be obscured by adjacent boundary treatment and soft landscaping. On-street parking would further obstruct visibility of the highway. While waiting until the carriageway is clear, vehicles would also block the pavement. Although vehicles could reverse into the site, this cannot be guaranteed, and such a manoeuvre would interrupt the free flow of traffic.
5. Regardless of whether vehicles exit the site in a forward or reverse gear and even having regard to speed restrictions and recorded accidents, visibility would be obstructed by adjacent boundary treatment, vegetation and parked vehicles. As a result, vehicles manoeuvring in and out of the appeal site would lead to conditions that would be prejudicial to highway safety.

6. I have had regard to Manual for Streets 2. While I note that the highways officer from Kent County Council raises no objection to the proposal, this is subject to a condition requiring pedestrian visibility splays. No evidence of pedestrian traffic has been submitted, although I observed that the site is opposite the entrance to a public park. I agree that pedestrian visibility splays are required and there is insufficient information before me to demonstrate that these splays could be achieved.
7. My attention has been drawn to examples of houses with on-plot car parking near the appeal site. In general, these are semi-detached dwellings with wider plots, which have more room to manoeuvre on site and the continuous presence of vehicular crossovers restricts cars from parking on the street. Visibility is therefore better in these examples. There is one terraced property that has a driveway; however, the Council has confirmed that this is historic, with no record of planning permission.
8. Therefore, I conclude that the proposed development would be harmful to highway and pedestrian safety. It would be contrary to Policy CS11 of the CS and saved Policy T5 of the Gravesham Local Plan First Review Saved and Deleted Policies Version (September 2014) (LP), which seek to mitigate the impact of new developments on the highway network and prevent new accesses where danger would arise. The proposal would also conflict with the Council's Planning Guidance Note 6: Vehicular Accesses on Classified Highways 2009 adopted as supplementary planning guidance because it fails to demonstrate a safe access can be achieved. In addition, it would be contrary to the National Planning Policy Framework 2021 (the Framework), which seeks to resist development where there would be an unacceptable impact on highway safety.

Character and appearance

9. The area is characterised by 2 storey terraced houses, which are set back from the highway. It does not fall within a designated area; however, the front gardens are generally landscaped, which along with the park opposite provides a green and leafy street scene. Neighbouring properties typically have low level boundary enclosures. The uniformity of the properties and the soft landscaping within the front gardens make a positive contribution to the character and appearance of the area.
10. The front boundary wall has already been demolished. The proposal would cover the front garden in hardstanding, with no obvious space for soft landscaping. A full width vehicle crossover is proposed. As a result, the extent of hardstanding and presence of parked vehicles would be highly prominent in the street scene. The hardstanding would have a harsh appearance when compared with adjacent dwellings where landscaping provides a softer setting for properties. The effect of the development would be exacerbated by the presence of parked vehicles, which would give the front space a cluttered appearance that would undermine the positive contribution the front gardens and the uniformity of the terraced row make to the street scene.
11. My attention is drawn to other vehicular accesses within the vicinity. These accesses and parking areas do not contribute positively to the character and appearance of the area, so do not weigh in favour of the appeal proposal.

12. Overall, I conclude that the proposal would be harmful to the character and appearance of the area and would fail to comply with Policy CS19 of the CS, which requires development to make a positive contribution to the street scene and conserve and enhance the local built environment. The proposal would also be contrary to the Framework, which seeks to create high quality places that are visually attractive.

Other Matters

13. Policy CS12 of the CS seeks to prevent a net loss of biodiversity in the borough. There is nothing before me to indicate that the front garden has any notable biodiversity value. Given the size of the front garden and limited information regarding biodiversity, I do not consider that the proposal would undermine the objectives of this policy.
14. While it is indicated that the demolition of the garden wall and hardstanding may be permitted development, there is nothing before me to confirm this. There is also no certainty that the hardstanding works would be pursued in the absence of a consent for the vehicular access. I do not consider that this 'fallback' position justifies the harm that I have identified.

Conclusion

15. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James

INSPECTOR