
Appeal Decision

Site visit made on 7 March 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/M1520/D/22/3306831

113 Hart Road, Thundersley, BENFLEET, Essex, SS7 3QP

- 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 Johannes Broodryk against the decision of Castle Point Borough Council.
 - The application Ref. 22/0210/FUL, dated 26 March 2022, was refused by notice dated 22 June 2022.
 - The development proposed is dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application form.

Main Issue

3. The main issue is the effect of the proposal on highway safety and functioning.

Reasons

4. The appeal property is located on Hart Road, which the Council advises is a busy transport route through the borough. In its consultation response, Essex County Council as highway authority advises that Hart Road is classified as a Secondary Distributor road, the function of which is to carry traffic safely and efficiently between substantial rural populations and on through built-up areas. The site is located within reasonably close proximity to a junction with Common Approach, a lower category of road in the County Council's Development Management Route Hierarchy, albeit I note the appellant's view that this is as busy as Hart Road; the Council also refers to the junction as busy. Opposite the site there is a parade of shops, access to a garage block, and many properties within the vicinity have direct vehicular access onto Hart Road.
5. The frontage of the appeal property is paved but parking is located at the rear of the site, accessed from a track off Common Approach. This is a narrow unmade track serving four properties, and leads to a garage and carport at the

- appeal dwelling. However, the appellant advises that only one parking space is available, with the garage being dilapidated too small for modern vehicles.
6. At the midweek, mid-morning appeal site visit there was a steady flow of traffic along Hart Road, and slowing of vehicles to access the parade of shops, Common Approach and other accesses. In its consultation response, the highway authority advised that one of the measures to protect the function of Secondary Distributor roads is to ensure that where there are overriding safety concerns and access is available to a lower category of road, that such access is used.
 7. The proposal would introduce a further access point that would lead to the slowing of vehicles around a bend in Hart Road, and a potential point of conflict with pedestrians and road users. I appreciate that other accesses in the vicinity also cause slowing vehicles and congestion, and would block the pavement whilst waiting to emerge onto Hart Road. However, the introduction of another access onto this stretch of road, close to a road junction and opposite access to a parade of shops and a garage block, would be an extra and unnecessary point of potential conflict. Although there are other accesses in the vicinity, minimising the number of points onto the road would reduce the opportunities for traffic conflict and therefore safety risks.
 8. I am not persuaded that good visibility from the site gateway would avoid the need for vehicles to obstruct the footway, which is deep at this point in Hart Road. The appellant accepts that it may be necessary to wait for a gap in the traffic, but implying that vehicles could wait on site. In my view, vehicles are likely to wait closer to the road to ensure quick use of a gap in the traffic flow, thereby occupying the footway and with potentially less awareness of pedestrians at the rear of the vehicle. Whilst there may be other accesses in the vicinity that could pose similar risks to safety, this would not justify creating a secondary access point that would introduce its own risks.
 9. In view of the additional slowing movements that use of the proposed access would create, it would have the potential to interfere with the flow of traffic and the efficiency and functioning of this main road. As this results in a policy objection from the highway authority, the proposal conflicts with Policy T2 of the Castle Point Borough Council Local Plan 1998 (LP).
 10. The appellant has experienced problems accessing the rear parking spaces as a result of obstruction by other vehicles. However, traffic enforcement measures could address obstruction of the highway, and as a track serving only four properties it seems feasible that the communal area could be managed to avoid inconvenience for all users. As the existing garage is substandard, it is not known if the appellant has explored alterations to create a second usable parking space to meet the needs of residents. I appreciate that the existing arrangements may not be as convenient as frontage parking off Hart Road, but as there is access to alternative parking I do not find that the benefits of the proposal would outweigh the potential risks associated with an additional unnecessary crossover on this stretch of road.
 11. Attention has been drawn to other accesses in the vicinity, including that at 117 Hart Road, which the appellant advises also has access via the rear track. However, it is not known if these examples are historic as no details of any planning permissions granted and the reasoning behind those decisions has been supplied. As such, I have no information on the planning policies, highway

standards and traffic conditions which were in force at the time of their installation.

12. The appellant has identified a planning permission granted for a dropped kerb at 151 Hart Road in 2021, and an appeal allowed at 15 Kenneth Road (APP/M1520/D/17/3168818). However, no details have been supplied, and viewing the premises on the ground the site constraints and characteristics do not appear to be the same as in this case. On the basis of the available information, they offer only limited support for the proposal.
13. I therefore conclude that the introduction of an additional secondary access point would detract from highway safety and functioning, in conflict with LP Policy T2, and with LP Policy EC2 and RDG12 of the SPD , which together seek to ensure that access to all forms of development, and by all modes of movement, are made 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.
14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR