



Appeal Decision

Site visit made on 17 August 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/M1595/D/23/3324661

321 Southend Road, Stanford Le Hope, SS17 8HL

- 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 Mrs Tracy Hancock against the decision of Thurrock Borough Council.
 - The application Ref 23/00179/HHA, dated 13 February 2023, was refused by notice dated 18 April 2023.
 - The development proposed is hardstanding and vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for a hard standing and vehicular access at 321 Southend Road, Stanford Le Hope, SS17 8HL in accordance with the terms of the application, Ref 23/00179/HHA, dated 13 February 2023, and the plans submitted with it, subject to the following condition: the development hereby permitted shall begin not later than 3 years from the date of this decision.

Main Issue

2. The main issue in this case is the effect of the proposed access on vehicular and pedestrian safety on the highway.

Reasons

3. The appeal site is a mid-terrace dwelling fronting onto Southend Road. The dwellings in this terrace all have similar boundary treatments to their front gardens in the form of low walls constructed of brick. This feature, however, is not consistent throughout the area, with dwellings further north and south of the site having differing boundary treatments such as fences, hedges or open frontages. Immediately opposite the appeal property is the junction of Mackley Drive with Southend Road, whilst to the north of the terrace, Southend Road is joined by Fourth Avenue. These junctions and the immediate area of Southend Road are protected by double yellow lines.
4. Within the immediate vicinity of the appeal site there are numerous examples of vehicular accesses formed off Southend Road, although many are where frontages are wider, allowing for at least the possibility of cars being able to turn within the frontage so as to enter and leave in a forward gear. It is also apparent that the wider parking areas are often used to accommodate more than one vehicle, thereby negating the ability of at least one of the cars to enter and leave in this fashion.

5. I am told that Southend Road is a 'Level 2 Urban Road', although this designation is not explained in terms of the level of traffic that it carries. It is, however, within a 30mph speed limit and I note signs of average speed checks. The present front garden wall adjoins the 1.35m wide public footway, which is separated from the carriageway by a grass verge almost 4.5m wide. Southend Road in this vicinity has a straight alignment. These features all add to a situation in which vehicle speed should be reasonable, with good visibility for drivers, both on the road and when entering or exiting at road junctions or from private properties.
6. My attention is drawn to the fact that there is a garage that serves the appeal property, within a garage court at the rear, but apparently this is not used to accommodate a car; instead it is used to store some of the appellant's disability equipment such as power chair, mobility scooters, etc. I am also told that her disability means that her car is a specialised vehicle with a side door facilitating entry and exit.
7. Quite clearly it is desirable for off-street parking space within front curtilages to be of sufficient shape and area to allow cars to leave the highway and enter it in a forward gear. However, given the residential nature of this road and the number of front driveways, it will be a common experience to have cars slowing to turning into a private driveway, and not uncommon to experience cars reversing onto the highway. Thus the danger that such manoeuvres present is offset to a large degree by the fact that drivers should be alert to observing and interpreting the actions of others behaving in this way.
8. The National Planning Policy Framework (the Framework), at paragraph 111 states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". At paragraph 112 it adds that "*Within this context, applications for development should: ... b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport*". Furthermore, Policy PMD2 1.v) of the council's Core Strategy and Policies for the Management of Development Plan (as amended) 2015 includes the statement that "*development proposals must allow easy and safe access for all members of the community*".
9. Taking all these matters into account, and having highlighted and weighed the various matters that contribute to vehicular and pedestrian safety in the particular circumstances of the appeal site and its immediate highway characteristics, I have come to the conclusion that the highway and pedestrian safety concerns are not so serious as to justify refusal. Whilst these highway safety matters are the main issue in this case, I also consider that the benefits to the appellant, in terms of coping with her disability, and not having to rely on kerbside parking in Fourth Avenue, are factors that weigh in favour of the grant of planning permission.
10. For these reasons I will allow the appeal.

Conditions

11. The statutory condition that provides a time limit on the start of development must be imposed. The council has not suggested any additional conditions in the event that the appeal is upheld. I agree that there is no other matter that requires to be controlled by condition.

Terrence Kemmann-Lane

INSPECTOR