



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: 09.10.2023

Appeal Ref: APP/D1590/W/23/3314609

32 Claremont Road, Westcliff-on-Sea, SS0 7DZ

- 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 Mark Henry against the decision of Southend-on-Sea City Council.
 - The application Ref 22/01919/FUL, dated 6 October, was refused by notice dated 11 January 2023.
 - The development proposed is install vehicle crossover onto Claremont Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the degree to which the proposal would meet the minimum standards for vehicle crossovers and create safe conditions for pedestrians and other highway users.

Reasons

3. The appeal site is a two-storey semi-detached Edwardian dwelling converted into two flats. The proposal concerns the ground floor flat and the area to the front of the building which is hard surfaced. There is no boundary treatment across the front of the curtilage. The proposal is to install a new vehicle crossover some 4.5m wide. The plan shows the front garden is 6.2m wide and has a maximum depth of 4.4m to the front elevation; however the house has a projecting bay that reduces this front garden depth to approximately 3.6m.
4. The council's Vehicle Crossing Policy & Application Guidance (2021) sets out a requirement for a minimum parking area space. This is not an adopted planning policy document, and therefore is not part of the local development plan, but is a material consideration, having highway safety and traffic network planning policy objectives. It states:
"For the parking area you are proposing there must be no obstructions (e.g., a bay window or tree). The absolute minimum dimensions [as are most relevant to the appeal proposal] :-
b) For parking parallel to the footway, there must be an unobstructed off-street parking place of not less than 2.6 metres (8 feet 6 inches) deep, and 6.5 metres (21 feet 3 inches) wide; [diagram Appendix 2, not shown here]

c) The presence of a vehicle on the off-street parking place must not obstruct the main door of the property.

In all cases, the off-street parking space must be:-

a) Sufficient to accommodate the entire vehicle, with no part overhanging the footway, cycleway or verge; ..."

5. The parking space is shown on the submitted plan as parallel to the highway. The vehicle policy guidance referred to above, states the absolute minimum width of 6.5m is required: at 6.2m, the proposal fails to meet this minimum width. The proposed parking space would also be likely to obstruct the front entrance door of the building and access across the forecourt. As the property is not a single dwelling, a third party would be likely, at the least, to be inconvenienced.
6. For the appellant it is pointed out that there are numerous examples of parking spaces located at the front of the properties accessed via vehicle crossovers from Claremont Road. The veracity of this was apparent at my site visit. An appeal decision is also referred to in support of the proposal, reference APP/D1590/D/19/3237358. Within that decision, the Inspector said *"there are a number of existing driveways on Chalkwell Park Drive which cover the entire front garden and so form part of the character and appearance of the area. Therefore, it is not considered that the driveway would appear out of keeping within its surroundings."* I have no knowledge of the situation dealt with in that appeal, other than the extract just quoted, but the current appeal proposal was not refused on the basis of the character and appearance of the area. In any event, this appears to be a case from 2019, before the 2021 guidance was approved.
7. Nevertheless, the existing number of examples of similar parking arrangements in Claremont Road is a material consideration. According to the council, it is likely that they result from operations that occurred before the approval of the 2021 Guidance. Be that as it may, for current cases the guidance is a consideration of some weight. As the appellant points out, it is guidance, not policy, and therefore of lesser weight. However, guidance is published in order to meet policy objectives. One such objective is the promotion of highway safety and convenience, which is public policy. Also of weight is the fact that a vehicle parked on the very restricted frontage would, to a large extent, obstruct the front entrance door and the forecourt. This would be at best undesirable in a dwelling occupied by a single household, but in this case, there is a second household in occupation. The benefit of the proposal would be at a cost to the other occupant(s).
8. This point is re-enforced by the fact that, as I observed, the crossover would effectively remove the ability of 2 cars to park at the kerbside. In a situation such as is found in Claremont Road, kerbside parking performs a valuable function. In this context I am informed that the other flat in the building is occupied by a person with disabilities who relies on nearby kerbside parking to facilitate every day access to her home. Thus the appeal proposal would likely both make access to the entrance to the flats more difficult and mean that the occupier of the other flat would find it more difficult to park conveniently nearby in a kerbside space. Added to these objections is the degree of manoeuvring likely to be necessary to access the proposed parking space, which would most likely lead to inconvenience to users of the footway, and add to the risk of accidents.

9. Having taken account of all matters raised, for the reasons set out above, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR