
Appeal Decision

Site visit made on 21 November 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2023

Appeal Ref: APP/P1560/D/23/3328909

Cornerways, 1 Sladburys Lane, Clacton-On-Sea, Essex CO15 6NU

- 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 Rita Bishop against the decision of Tendring District Council.
 - The application Ref 23/00680/FULHH, dated 27 April 2023, was refused by notice dated 27 July 2023.
 - The development proposed is 'drop kerb to allow vehicle crossing access to garage from Sladburys Lane to property'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal property is a detached single storey dwelling located on a corner plot next to the junction of Sladburys Lane with Holland Road. The surrounding area is predominantly residential in character.
4. The proposal is for a dropped kerb on the Sladburys Lane frontage adjacent to the northern boundary of the property. There are a number of other dropped kerbs serving accesses to neighbouring properties along Sladburys Lane, while the appeal property has an existing access with a dropped kerb on its Holland Road frontage.
5. The junction of Sladburys Lane with Holland Road is relatively wide with a small traffic island. However, based on the site inspection, due to the proximity of the proposed access to the junction and the position of the host dwelling there is limited visibility to the right where vehicles turn into Sladburys Lane. Consequently, there is the potential for conflict between vehicles emerging from the new access, either in reverse or forward gear, and those turning left from Holland Road into Sladburys Lane, particularly due to the limited stopping distance. While the access serving Sladburys Court on the opposite side of the road is closer to the junction, due to the open aspect of the corner frontage there is better visibility of vehicles turning into Sladburys Lane. Moreover, the

existence of an existing access is not sufficient reason to justify a proposal which would result in material harm to highway safety as in this case.

6. I accept that use of the access outside No 1A might not always be possible due to the presence of parked vehicles on the forecourt or other obstructions such as refuse bins. I acknowledge also that the access on Holland Road might not be configured to accommodate community transport vehicles, despite the size of the forecourt area on this frontage. While the Council has strategic objectives concerning accessibility, these need to be balanced with other factors in the specific circumstances of any particular case. In this case, highway safety must outweigh these reasons put forward for the proposal.
7. Based on the available evidence, it is not clear that the proposed dropped kerb is the only means by which an electric charging point could be accessed and used at the appeal property. I note also the contention that the new access would enable better access for a mobility scooter to cross Sladburys Lane to travel eastwards. However, such access is already available a short distance away via the existing dropped kerbs to either side of the road. Furthermore, use of the proposed access for this purpose is likely to lead to conflict with other road users for the reasons already given.
8. Therefore, for the above reasons, I conclude that the proposal would have an unacceptably harmful effect on highway safety. Consequently, it is contrary to Policies SPL3 and CP2 of the Tendring District Local Plan 2013-2033 and Beyond, Section 2 (2022), which require safe and convenient access, and that proposals will not be approved where there is an unacceptable impact on highway safety. It is also contrary to the National Planning Policy Framework, which states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety¹.

Conclusion

9. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

¹ Paragraph 111.