



Appeal Decision

Site visit made on 3 January 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.01.2024

Appeal Ref: APP/D1590/D/23/3330103

271A Southbourne Grove, WESTCLIFF-ON-SEA, SS0 0AL

- 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 Paul Nicholls against the decision of Southend-on-Sea City Council.
 - The application Ref. 23/01126/FULH, dated 3 July 2023, was refused by notice dated 23 August 2023.
 - The development proposed is new vehicular crossover.
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Decision

1. The appeal is allowed and planning permission is granted for new vehicular crossover at 271A Southbourne Grove, WESTCLIFF-ON-SEA, SS0 0AL, in accordance with the terms of the application, Ref. 23/01126/FULH, dated 3 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2023/06/271aSG Sheet 2 (Existing location & block plans); 2023/06/271aSG Sheet 3 (Proposed Site Plan); and 2023/06/271aSG Sheet 4 (Proposed Block and Location Plans).
 - 3) No development shall take place until an Arboricultural Impact Assessment and details of any tree protection measures for the two street trees adjacent to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the findings and recommendations of the approved Arboricultural Impact Assessment and the approved tree protection measures. The approved tree protection measures shall be installed prior to the commencement of the development and shall be retained for the duration of the construction phase of the development.

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published in December 2023, after the appeal was lodged. However, as the policies of most relevance to this proposal have not changed it has not been necessary to seek further comments from the parties.

Main Issue

3. The main issue is the effect of the proposal on highway safety and the free flow of traffic as a result of the removal of an on-street parking space.

Reasons

4. The appeal property is a dwelling constructed in recent years with access onto Southbourne Grove. The width of the road is sufficient to accommodate on-street parking bays whilst maintaining traffic flow. These bays are interspersed with vehicular accesses serving dwellings along the length of the road, although there are also dwellings which rely on street parking.
5. Southbourne Grove appears to be part of a controlled parking zone (CPZ), with the parking bays on this particular road limited to vehicles for residents with permits at specified times. At the time of the mid-morning, weekday site visit, many of the resident bays in the road were unoccupied. However, in nearby roads there was some evidence of parking pressure, with vehicles lining both sides of the road with few gaps.
6. The appeal property has access to its own on-site car parking, with the area in front of 271 and 271A Southbourne Grove (Nos. 271 and 271A) being hard surfaced for this purpose. Access to these spaces is via a single crossover in front of No.271. This means that vehicles accessing No.271A pass in front of the neighbouring property.
7. The proposed crossover would result in the loss of a permit space from the communal on-street parking bay. The Council published as guidance a 'Vehicle Crossing Policy' July 2021 (VCP). This document advises that when considering applications for new vehicle crossings, one matter to be considered is the impact on kerbside parking capacity. It also advises that applications within an existing controlled parking zone will be refused if the proposed access/crossover would take up more than one average parking space, taken to be 5 metres¹. This guideline does not appear to preclude properties which have alternative access to existing on-site spaces.
8. In this case, the proposal would not involve the loss of more than one permit parking space, and the appellant advises that it would increase the potential for on-site parking. Whilst highway safety may have been a factor in the introduction of parking controls in the area, the Council does not indicate that the design of the proposal would introduce any safety hazards in itself, but rather from the wider effect on parking and traffic flow as a result of the loss of one space.
9. The appeal property already benefits from on-site parking, but I can appreciate that there is potential for obstruction of the shared frontage by indiscriminate parking. This should be manageable by agreement between neighbours, but I do not doubt that at times this could be impractical and awkward. More importantly, this arrangement could limit access to/exit from the appeal site in the event of an emergency, and could lead to more hazardous manoeuvring on the highway.
10. In addition, although the frontage is reasonably deep, the existing parking arrangements would require vehicles of No.271A to pass reasonably close to

¹ Vehicle Crossover Policy Traffic & Highways July 2021: page 6, last paragraph of section 3.

the habitable room windows and front door of No.271. Whilst residents would already experience a degree of traffic nuisance from vehicles using Southbourne Grove, cars manoeuvring on the forecourt closer to No.271 would cause greater disturbance and potential hazards to its occupants.

11. I am mindful that previous planning applications involving a similar crossover to the appeal proposal have been refused by the Council. Limited information has been supplied of the reasoning for those decisions, but in any event the dwelling has now been built and this decision has been considered against current policies and guidance, and the circumstances on the ground.
12. Paragraph 115 of the Framework advises 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. The Council advises that the area is one of parking pressure, but I am not convinced that the loss of one on-street parking bay would give rise to unacceptable impacts on highway safety, particularly when it would materially improve the safety and manoeuvrability for vehicles at the appeal site, and at No. 271. This is a factor that would outweigh any residual impact on the network. The effect on the free flow of traffic would be neutral.
13. I therefore conclude that the loss of one on-street parking space would not be detrimental to highway safety and the free flow of traffic. In so doing, it would accord with the Framework, and with the road safety aims of Policy CP3 of the Southend on Sea Core Strategy 2007. There would be no conflict with Policies DM3 and DM15 of the Council's Development Management Document 2015, insofar as the proposal would not result in undue stress on transport capacity, and there would be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. As the VCP allows for the loss of one space within a CPZ in assessing applications, the proposal would not conflict with the guidance in that document.

Conditions

14. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. The Council has requested a condition for the submission of an Arboricultural Impact Assessment relating to two nearby street trees. The submitted plans show the position of street trees, but without sufficient detail to gauge with accuracy the root protection areas, which could affect the construction design of the crossover. The Framework confirms the important contribution that trees can make to the character and quality of urban environments, and this is reflected in the Council's own policies. As such it is necessary and reasonable to ensure that measures are put in place to safeguard the health of the street trees. With some slight modification to wording, I have attached the Council's recommended pre-commencement condition, to which the appellant has agreed.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR