



Appeal Decision

Site visit made on 18 December 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/E2205/D/23/3330728

45 Butterside Road, Kingsnorth, Kent, TN23 3PD.

- 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 Li Huang against the decision of Ashford Borough Council.
 - The application Ref PA/2023/1571, dated 21 August 2023, was refused by notice dated 2 October 2023.
 - The development proposed is described as *dropped kerb in front of house*.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on highway safety.

Reasons

3. The appeal site, 45 Butterside Road, comprises a two-storey detached dwelling. It is one of a number of dwellings on a relatively new residential estate. The house currently enjoys, in addition to an attached garage off street parking for two cars. Butterside Road is a private single carriageway estate road.
4. The appellant proposes a new vehicle crossover to access an area of existing hardstanding in front of the house for vehicle parking. The appellant states that the reason for requiring the new crossover is to deter people parking partially on the pavement, in front of her house, thereby obstructing pedestrians. I further understand that parked vehicles here make it difficult to exit the existing driveway. Furthermore, if there is also a vehicle parked on the opposite side of the road the road is narrowed so that large vehicles cannot get past, thereby causing some congestion.
5. The Council's dimensions for a standard parking bay are given as 2.7 metres wide by 5.0 meters deep. However, the distance between the back of the pavement and the front wall of the house is only about 4.0 metres. Due to the proposed relationship of the cross over to the parking area vehicles are likely, despite the appellant's suggestion to the contrary, to park at 90 degrees to the road and not parallel to it. Accordingly, because of the limited depth they are likely to hang out over the pavement. This as, identified by the Council is likely to the detriment of pedestrian safety.

6. While minded of the appellant's justification for wanting a dropped kerb to deter people from parking on the pavement I consider that if a new dropped kerb were installed here as proposed one danger to pedestrian safety would simply be replaced with another.
7. The Council have raised a concern that a vehicle parking on the hardstanding would not have room to turn on site so as to leave in a forward gear. While this is correct, the estate has been designed and laid out such that most of the homeowners currently have to reverse into their parking space or out of it into the road. I do not consider therefore that one more vehicle reversing out onto the estate road would have a significantly detrimental effect on highway safety.
8. I am sympathetic to the appellant's concerns relating to on street parking issues. Nevertheless, I concluded in respect of the main issue that while another vehicle reversing out on to the road would not be necessarily detrimental to highway safety, vehicles overhanging to pavement would be. To allow the proposal would therefore be contrary to the objectives of Policy TRA7 of the Ashford Local Plan (Adopted February 2019), the National Planning Policy Framework and the Residential Parking and Design Guidance SPD 2010, as they relate to, along with other things, highway safety and the need to provide for pedestrians first.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR