



Appeal Decision

Site visit made on 29 December 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 26.01.2024

Appeal Ref: APP/J2210/D/23/3329371

46 Canterbury Road, Herne Bay, Kent, CT6 5DF.

- 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 Michael Marsh against the decision of Canterbury City Council.
 - The application Ref CA/23/00778, dated 25 April 2023, was refused by notice dated 5 July 2023.
 - The development proposed is for the reinstatement of front and side boundary walls.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property, 46 Canterbury Road, is a detached double fronted house. It is located in a row of similar properties facing Canterbury Road. The speed limit on the road at this point is 30mph.
4. From the appellant's evidence I understand that the original boundary wall to the back of the pavement and part of the wall to number 44 has fallen into disrepair and he now wants to replace it. The new wall would be built of brick with stone cappings. The front boundary wall would be 0.6metres high with that to number 44 being 0.4 metres high. The brick walls would run between 0.45 metre square brick piers 1.2 metres high. The new front boundary wall has been designed to allow vehicular access to an area of parking in the front garden.
5. The Council have found that the proposed walls would serve to preserve the character and appearance of the conservation area and would not cause harm to the living conditions of neighbouring residential occupiers. From what I have seen and read I have not formed a contrary view.
6. Given the speed limit of 30 mph for the road Kent County Council, the Highway Authority, require minimum 2.4 x 43 metre visibility splays in both directions as well as 2.0 x 2.0 pedestrian splays. In accordance with standard advice there should be no obstruction higher than 0.6 metres within the defined visibility splays.

7. The achievable splays, taking into account any existing obstacles such as the retained pier to the wall at number 44, to show that vehicles could exit the site safely have not been shown on the application drawings. Accordingly, I am unable to conclude other than the proposal would have an adverse impact on the safe movement of cars, pedestrians and cyclists.
8. I conclude therefore in respect of the main issue that without the necessary consideration having been given to visibility for vehicles exiting the appeal site that the proposal would be likely to result an adverse impact on highway safety. As such the proposal would fail to accord with the objectives of Policy DBE3 of the Canterbury District local Plan (Adopted July 2017) and the National Planning Policy Framework as they relate to, along with other things, highway safety.

Other Matters

9. From my site visit I am aware that there are other boundary walls of a similar design to that proposed here, some pillars even being higher than those proposed. Accordingly, the visibility afforded at those cross overs may not meet current visibility requirements. However, they do not set a precedent for allowing a new wall here that would not comply with the necessary standards of safety.

Conclusions

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

Philip Willmer

INSPECTOR