



Appeal Decision

Site visit made on 23 January 2024

by N Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/M1595/D/23/3330861

440 London Road, West Thurrock, Thurrock RM20 4RA

- 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 Mohammed Sydul Islam against the decision of Thurrock Council.
 - The application Ref 23/00899/HHA, dated 19 July 2023, was refused by notice dated 13 September 2023.
 - The development proposed is the formation of new vehicular crossover to access the highway.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Revised versions of the National Planning Policy Framework (the Framework) have been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

3. The main issues raised by this appeal are the effect of the proposed development on:
 - a) Highway safety; and
 - b) The character and appearance of the area.

Reasons

Highway safety

4. London Road represents a level 2 urban route within the definition of the Road Network Hierarchy where there is a presumption against new accesses or increased use of an existing direct access onto a corridor of movement.
5. The proposed vehicular access would be in close proximity to an access road to the east of the site as well as to the Parsonage Road junction. To access the highway, the crossover would traverse the pedestrian pavement. There is also a parking layby close to the site.

6. The plan that supports the proposal does not illustrate that vehicles would be able to turn within the parking area. As such, a vehicle leaving the site would be required to reverse across the pedestrian footpath close to the layby, which appears from my visit to be well used, or alternatively undertake this manoeuvre in reverse.
7. London Road is an 'A' classified highway that I saw is a busy arterial road. The proposal would require vehicles to either reverse onto the highway or stop on the carriageway to reverse into the driveway. This would impact upon the free flow of traffic movement along the highway. Parked vehicles within the layby would restrict visibility rendering reversing manoeuvres even more hazardous, particularly when leaving the site in reverse gear. As such, there would be an increased risk of accidents to pedestrians, including those using the pedestrian crossing, and increased danger to road users.
8. I have been directed to other crossover developments in the area. Unlike the case here the example at 316 London Road does not have double yellow lines along the highway at the site frontage. The Council explains that there is also a pedestrian crossing nearby that provides pedestrians safe passage across the highway and acts to reduce the speed of drivers. In regard of the crossover at 537 London Road, that development benefitted from a lay-by that separated the crossover from the main road providing a safety buffer for manoeuvring onto the main road. I note that proposal was adjacent a café. I acknowledge there are similarities with regard to those developments and that of this proposal, such as, the crossovers being close to parking laybys, junctions and where there is pedestrian activity. Nonetheless, each proposal should be considered on its own merits and I have found in this case, for those reasons set out above, that the proposal would have a negative impact upon highway safety.
9. I have been directed to the potential for the dwelling to host a garage at the rear of the site. Even if there is an existing garage associated with the property, the proposal before me must be considered on its own individual merits.
10. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore conflict with Policy PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015. That policy seeks, amongst other matters, development to be considered in relation to the road network hierarchy and states that new accesses will only be permitted where road safety is not prejudiced.

Character and appearance

11. None of the other properties in this terrace row have dropped kerb or accesses, other than the adjoining dwelling at 438 that is able to utilise the existing easterly access that provides access onto London Road. Whilst a vehicle can be parked within the frontage of No.438, like the other properties within this terrace, it retains a front boundary along the pedestrian highway frontage. There is a uniformity to the frontages of properties with the majority of the properties hosting vegetated front gardens. This provides a visually pleasing appearance to the frontages of the properties within the terrace and this street scene.

12. The proposal would introduce a vehicular access that would be out of keeping with the existing street scene. Removing the front boundary and replacing part the vegetated garden with a hard surface would diminish the characteristics of the street scene. Consequently, the proposal would be visually harmful for this reason. Whilst crossovers may be a relatively common form of development across Thurrock, this does not justify the proposed development or the visual harm caused by it in this instance.
13. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore conflict with Policies PMD2 and CSTP22 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015. These policies and the Framework seek, amongst other matters, development to be of high quality design and to consider the sensitivity of the site and its surroundings

Conclusion

14. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR