



Appeal Decision

Site visit made on 9 April 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/D1590/W/23/3325572

358 Rayleigh Road, Eastwood, Essex SS9 5PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Miah against the decision of Southend-on-Sea City Council.
 - The application Ref is 23/00342/FUL.
 - The development proposed is a vehicle crossover.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicle crossover at 358 Rayleigh Road, Eastwood, Essex SS9 5PU in accordance with the terms of the application, Ref 23/00342, 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: 2023/02/358RR Sheet 01 of 02 (Rev B) and 2023/02/358RR Sheet 02 of 02 (Rev B).
 - 3) The development hereby permitted shall only be used to provide access to one parking space on the site at any given time. No more than one vehicle shall be parked on hardstanding served by the access at any one time.

Main Issue

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

Reasons

3. The appeal proposes a vehicle crossover which would serve an area of hardstanding to the front of 358 Rayleigh Road, enabling parking on the site. The crossover would be located within a stretch of zigzag markings associated with a pedestrian crossing to the front of 354 Rayleigh Road. Given the dimensions of the hardstanding, turning within the site would also be difficult if not impossible and so use of this area for parking would be likely to result in vehicles reversing either to or from Rayleigh Road.
4. However, it seems to me noting the distance between them that any reversing manoeuvres to or from the site would be highly unlikely to extend as far as to reach the crossing itself resulting in potential conflict with pedestrians. Although vehicles would cross the zigzag markings, these markings prevent parking close to the site and I saw that the layout of the highway also affords good visibility to and from the point of the proposed access in both directions. This would further minimise potential for conflict between highway users.

Moreover, I observed other nearby accesses within the extent of the zigzag markings, some of which also serve areas that would result in reversing manoeuvres to or from the highway. I do not know the circumstances that led to these accesses, but their presence means that vehicle movements to and from the highway, including in reverse gear, would not be unusual or unexpected near to the site.

5. I acknowledge that the Council's Vehicle Crossover Policy 2021 ('VCP') indicates that applications for new vehicle crossings will not be approved if the access is within pedestrian crossing zigzags. However, I have not been directed to any policy or guidance requiring that vehicles should be able to enter or exit the highway in a forward gear and given the above factors, I am satisfied that the location of the crossover would not give rise to an unacceptable risk to pedestrian or highway safety. The view expressed by the Highway Authority that the proposal would not be detrimental to highway safety further supports my conclusion in this regard. I therefore find that a departure from the guidance within the VCP is justified in this case.
6. In addition, the crossover would serve a section of hardstanding that exceeds the dimensions specified within the VCP as the minimum required to park a standard sized vehicle. The reduced depth of the part of the hardstanding closest to 356 Rayleigh Road below the minimum required by the VCP means that a second vehicle parked here could be likely to overhang the footway causing an obstruction. Nevertheless, the Council has suggested a condition to restrict parking to no more than one vehicle which would prevent such an eventuality and I have no firm reason to find that this would not be effective.
7. I have noted the Council's concerns that the size of parked vehicles could not reasonably be controlled by condition and that larger vehicles could overhang the footway. However, while I acknowledge that the ground floor of No 358 is in use as a restaurant, servicing and delivery activity associated with this use would not currently rely on parking within the appeal site and I see no firm reason that this would be likely to change. In addition, obstruction caused by larger vehicles overhanging the footway could in my experience be subject to potential action under other legislative regimes and powers. As a result and given that the hardstanding would exceed the minimum dimensions specified by the VCP for one vehicle to park, I find that the size of the hardstanding served by the development would not result in meaningful detriment to pedestrian or highway safety, or justify the withholding of permission.
8. Although the proposal would not accord fully with guidance in the VCP, I conclude for these reasons that it would not cause unacceptable harm to highway or pedestrian safety. I find no conflict with Policy CP3 of the Core Strategy 2007 or Policies DM3 or DM15 of the Development Management Document 2015 insofar as they broadly seek access to development that does not harm the surroundings and well designed development that improves road safety and access for all. Similarly, I find that the proposal would not conflict with requirements within the National Planning Policy Framework seeking safe and suitable access and places which minimise scope for conflict between pedestrians, cyclists and vehicles.

Conditions

9. In addition to the standard time limit condition, a condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of

certainty. A condition to restrict the number of vehicles that may be parked is necessary in the interests of highway and pedestrian safety.

Conclusion

10. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR