



Appeal Decision

Site visit made on 11 June 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/V1505/D/24/3339214

116 Southend Road, Wickford, SS11 8EB

- 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 Chris Lane against the decision of Basildon Borough Council.
 - The application Ref 23/01448/FULL, dated 27 November 2023, was refused by notice dated 22 January 2024.
 - The development proposed is form dropped kerb and driveway to front (off Southend Road).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on highway safety and efficiency for pedestrians and other highway users when set against the personal circumstances of the appellant's family.

Reasons

3. The appeal site is a detached house fronting Southend Road. The width of the plot is just over 12m, and the frontage has a depth of 8.4m from a low brick wall which appears to be set at the edge of highway land. There is an area of shrubby growth, apparently on highway land, between the back edge of the public footway and the appellant's wall. There is a pedestrian pathway through the shrubs leading to the front door of the house up a series of steps, since land between the public footway and the front elevation of the house rises quite steeply.
4. Southend Road, part of the A129, is classified as a Main Distributor on Essex County Council's Development Management Route Hierarchy. The function of such a route is to carry traffic safely and efficiently between major centres within the County. Within defined settlement areas, the Highway Authority's aim is to protect the function of Main Distributors by ensuring that, where safe access is available onto a lower category of road in the Route Hierarchy, this is used.
5. In this case, there is a lower category road 3 houses to the west, where Southwick Close runs around to the back of the frontage development of Nos 114 to 110 Southend Road, giving access to a row of garages behind Nos.116 and 118. Two of these garages belong to the appellant's dwelling, being

situated immediately at the back of the curtilage. There are 2 parking spaces in front of the garages, and a surfaced path runs from the garages to the back of the house.

6. There is a shallow bend in Southend Road to the east, as it drops down the gradient towards the Southwick Close junction and then a mini roundabout junction with Wick Lane and Mount Road. Whilst shallow, to a degree the bend restricts views of vehicles coming from the east towards these junctions.
7. The relevant development plan policies are Saved Policy BAS BE12 of the Basildon District Local Plan, and Policy DM1 and DM2 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011. Policy BAS BE12 (Development Control) states that "*Planning permission for new residential development, and for the alteration and extension of existing dwellings, will be refused if it causes material harm in any of the following ways:*" which include "(v) *Traffic danger or congestion*". Policy DM1 and DM2 are longer policies that I need not recite in full, but in brief seek to minimise access points on designated roads and to ensure that, where available, a lower category of road is used for access.
8. The policies and physical circumstances set out above run counter to, and do not favour, the appeal proposal. If these matters carried no or limited weight, the rejection of planning permission would not be justified, but since there is substantial weight to these matters, the particular circumstances of the appellant's household and his relative, and the physical relationship of the house to its current parking and access provisions, are material considerations that must be given due weight. The refusal notice makes reference to paragraph 115 of the National Planning Policy Framework (December, 2023) (the Framework), but in the context of this appeal, I consider that paragraph 116 is of greater relevance. This states: "*Within this context, applications for development should: b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*".
9. In brief, the appellant argues that parking at the rear can be impeded by cars in other ownerships, on street parking in Southwick Close is often non-existent and he and his wife work shifts, which means the present arrangements of entry through garage doors or walking a considerable distance round to the front of the house in the early hours of the morning are far from ideal.
10. In addition, and of particular note in the context of Framework paragraph 116, is the fact that a family member is disabled and unable to walk any distance. She has been unable to visit since a fall and cannot visit now as getting through a garage then down the narrow garden path is just too much. She needs to stay at the house, but it is impractical in present circumstances.
11. From what I saw at my site visit, it is difficult to understand how the appeal proposal would be an effective option. As I have noted above, the pathway leading to the front door of the house has a series of steps, because land between the public footway and the front elevation of the house rises quite steeply. The area between the front garden wall and the house, that is proposed for parking a car, is shown on the drawing to be 8.4m long. A standard length for a car parking space can be taken as 5.5m. The rise in levels from the front wall is shown to be approximately 1.5m. If the car parking space were to be level, that would mean a slope rising 1.5m over a length of 2.9m,

which suggests an undesirably steep slope. It is more likely that the parking space would need to be on a slope, but in the absence of a detailed scheme being provided, it is not for me to conjecture further. But my conclusion is that access from and to a car parked in this location would not be easy for a disabled person due to changes in levels.

12. Turning to the present parking arrangements and access to the house, the appellant cites difficulty in respect of the garage door, and the length and narrowness of the path leading from the garage to the back of the house. I am not told whether the disabled relative is able to drive, but if that were the case, opening a garage door could present a difficulty, although this could be overcome by a powered door opening mechanism.
13. As to the path to the house, I saw that this is straight and on level ground. Whilst it may be considered narrow for a person with walking difficulties, the path could be widened. I appreciate that the installation of a garage door opener and the widening of the pathway would both involve expense, but so would the appeal proposal. As a result, I am not persuaded that the appeal proposal would be an effective means of providing this family member with a more appropriate means of accessing the property, potentially outweighing the highway danger and convenience objection.
14. The circumstances of the layout and configuration of providing the proposed front parking provision, considered in paragraph 11 above, throws further light on how the appeal proposal would impact on the highway. It is clear that the proposed parking space would not allow for a car to be turned so that it could enter and leave in a forward gear. Thus, it would either be necessary to reverse into the property or reverse out. Two circumstances would add to the difficulties and danger of this: the degree of slope of the drive and the lack of vision leaving the property because of the growth of shrubs. Most, if not all the shrubs appear to be on highway land and therefore not in the control of the appellant. Nor is there any indication of any agreement being reached as to their removal.
15. The appellant points to the driveway and dropped kerb permitted at No.118a, 2 doors away, but there are substantial differences as far as I could see, since the plot is wider and it appears that there is space for cars to turn round within the curtilage. There are other points made, such as the view that it is impractical to have an electric vehicle at the rear of the property, and the 'waste area' to the front of house is rough and unkept and can harbour wasps' nests. These points are not persuasive since I consider that they could be dealt with by siting a car charging point within one of the garages or are minor inconveniences.

Conclusions

16. The proposed vehicular crossover on Southend Road would provide an additional new vehicular access which is against planning and highway policy. In the circumstances that I have dealt with, it would result in additional risk of vehicular conflict with pedestrians and other highway users, to the detriment of highway safety and efficiency. That danger would potentially affect the disabled person in addition to other road users, but in any event, I cannot see that the proposal is a suitable way of providing her with better access.

17. The highway objection to the appeal proposal is strong and taken with my findings on the need for a new access and its shortcomings, it clearly outweighs the appellant's case. I should add that generally physical development will outlast personal circumstances, which will therefore usually carry less weight. For these reasons, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR