



Appeal Decision

Site visit made on 21 June 2024

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Appeal Ref: APP/Z2260/D/24/3339121

145 Canterbury Road, Birchington, Kent CT7 9AN

- 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 Mrs Laura Obeng-Frimpong against the decision of Thanet District Council.
 - The application Ref is FH/TH/23/1241.
 - The development proposed is formation of vehicular access following removal of garden wall.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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

Main Issues

3. The main issues raised by this appeal are the effect of the proposed development on pedestrian and highway safety.

Reasons

4. The Council advises that Kent County Council Highways Safety Guidelines (Kent Design Review: Interim Guidance Note 3 – Residential Parking (IGN3)) sets out standards for off street parking. The parking area should be at least 4.8m long between the back of the pavement or property boundary and the front of the building. Alternatively, at least 6m length is required where a parking area is in front of a garage or door where adequate means of escape needs to be provided, like a front or back door. To my mind this sets out appropriate criteria to ensure parking meets acceptable highway safety standards and that driveways have enough room for users to park a vehicle completely on the property.
5. The Council have calculated the length of the parking space to be approximately 4.79m between the back of the pavement and the front building line of the dwelling, although I note the calculation provided by the appellant

indicates this to be approximately 4.88m. The dwelling hosts a projecting entrance porch, therefore, the latter requirement of 6m of the above criteria should be applied. Taking into consideration both the Council's and appellant's measurement calculations the length of the parking space would not meet the required standard to ensure a safe means of escape from the dwelling's entrance porch front door.

6. To allow for access to and from the entrance porch a vehicle parked within the frontage would be extremely likely to overhang the pedestrian highway thus creating an obstacle for passing pedestrians. Consequently, the proposal would create a hazard for pedestrians using the public footway. The appellant contends that any encroachment of the pedestrian highway would be subject to potential enforcement action under separate highway legislation. However, it would not be appropriate to rely on other legislation beyond the scope of the planning system to make an unacceptable development acceptable.
7. Further to the above, the plan that supports the proposal does not illustrate that a vehicle 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 or alternatively undertake this manoeuvre in reverse.
8. Canterbury Road 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. As such, there would be an increased risk of accidents to pedestrians and increased danger to road users from the proposed development even with reasonable visibility of the highway.
9. The appellant contends that the IGN3 does not specifically advocate dimension requirements for individual parking spaces or require on site turning. Nonetheless, Policy TP06 expects developments to make satisfactory provision for the parking of vehicles. In this case the proposal would not achieve this.
10. I have been provided a photographic list of other examples of accesses onto Canterbury Road. However, most of these are not within the immediate environs of the appeal site and those that are the Council indicates to be historic. The proposal should be considered on its own merits taking into account the current development plan policy context.
11. The existing occupiers have an electric vehicle that requires charging close to the meter box that is situated at the front of the dwelling. The creation of the driveway could facilitate electric charging for the cars. Whilst this would provide a benefit in reducing vehicle CO2 emissions, this does not overcome the harm that I have identified in regard of highway safety.
12. The proposal would bring about benefits for existing and future occupiers by providing easy access to a vehicle and this would also benefit various family members personal well-being issues. However, the harm that I have identified would give rise to highway safety issues and this safety concern is not outweighed by the appellant's particular circumstances.
13. For these reasons, I conclude that the proposed development would be harmful to pedestrian and highway safety. The proposal would, therefore, conflict with Policy TP06 and the provisions of the Framework. That policy seeks, amongst other matters, development to make satisfactory provision for the parking of vehicles.

Conclusion

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

Nicola Davies

INSPECTOR