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## Appeal Decision

Site visit made on 28 August 2024

**by Megan Thomas K.C. Barrister-at-Law**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 September 2024**

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**Appeal Ref: APP/H2265/D/24/3342473**

**The White House, 8 Fortune Way, Kings Hill ME19 4ET**

- 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 Gavin Stockman against the decision of Tonbridge and Malling Borough Council.
  - The application Ref. is TM/23/01484/FL.
  - The development proposed is a dropped kerb and driveway.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are the effect of the proposal on highway and pedestrian safety and the effect on the character and appearance of the host dwelling and streetscene.

### Reasons

#### *Safety*

3. The appeal site is a two storey linked detached property located in Kings Hill. Planning permission was granted for a mixed use of the area including about 1300 dwellings, of which the appeal site is one.
4. The dwelling is located on a bend in Fortune Way on the east side, it has a footway in front of it and it is not far from the junction with Milton Lane and the junction with Queen Street. It is an attractive dwelling and is in a prominent location in the streetscene.
5. It has a garage and driveway accessed via a communal courtyard at the rear of the property. On my site visit I noted that in the vicinity of the site Fortune Way does not have any on-street parking controls and vehicles were parked on the road on the appeal site side, although parking was not taking place (at least at the time of my visit) on the bend itself which is delineated by some contrasting setts forming a crescent on the road in front of the appeal site. I am fully aware that my site visit can only represent a 'snapshot' of existing conditions.
6. From my site visit I concluded that on-site front forecourt crossover parking was not characteristic of the immediate area. There are some examples of

front forecourt parking in King's Hill, indeed the appellant has provided photographs of some two and a half and three storey dwellings with that arrangement, however it is not typical of the immediate area.

7. The proposal is to create an on-site parking space at the north end of the front of the property where there is currently grass. This grass forms part of an open front garden/landscaped area incorporating a path to the front door. Whilst the submitted plan shows the surface as block paved, it has been proposed that grass reinforcement mesh could be used, which allows grass to grow through the mesh. The driveway would be about 3m in width and about 4.2m deep. It would be mostly screened from no.10 Fortune Way by an existing hedge. A dropped kerb would need to be installed to facilitate vehicular access onto the new hardstanding.
8. In respect of highway and pedestrian safety, the depth of the proposed hardstanding in the proposed location would be below the minimum depth of 4.8m advised by the Highway Authority. This would be likely to result in a vehicle projecting into the footway and narrowing the available space for passing and repassing. The safety of pedestrians, especially those with any mobility issues would be prejudiced. I note that the appellant highlights that any potential overhang of the footway could be enforced against as an obstruction, but this is not a persuasive reason to allow the appeal.
9. Whilst not all vehicles are longer than about 4.8m, and whilst the appellants' vehicles could potentially fit into the space, I am obliged to consider future occupants of the dwelling and the possibility of protrusion into the footway as a result of what would be permanent development.
10. I also share the Council's concern that owing to the location (where vehicles can legally be parked on the road thereby narrowing the road) and owing to the nearby bend and nearby junctions, the manoeuvring of a vehicle on and off the proposed hardstanding would be detrimental to the safe use of the highway and footway adjacent to the site. The hardstanding would not be large enough to turn a vehicle round. It would either have been reversed in or would have to reverse out.
11. I have borne in mind that traffic movements onto and off the proposed hardstanding could be modest in number, at a slow speed and relate to a road which not on the primary or secondary network. Nevertheless, I consider the potential to harm highway and pedestrian safety outweighs those factors. Furthermore, in considering this issue and the one addressed below, I have taken into account the current occupier's personal circumstances which involve a close family member who visits frequently and is unwell and finds difficulty walking to the dwelling when a nearby car parking space is not available. I have sympathy with these circumstances, but they do not carry sufficient weight to override the permanent harm I have identified above and below.
12. On this first issue, I conclude that the proposal would harm highway and pedestrian safety and would be contrary to policy CP24 of the Tonbridge and Malling Core Strategy (adopted 2007) and policy SQ8 of the Tonbridge and Malling Managing Development and the Environment DPD (adopted 2020).

#### *Character and Appearance*

13. A significant contributory element to the attractive appearance of the immediate area is the soft landscaping on the frontage of dwellings and the lack of on-site front forecourt parking. Whilst a product similar to "Grassprotecta" could provide a permeable surface with grass growing through a mesh, this greenery would not be seen when a vehicle was parked on the hardstanding, and the hedge on the common boundary with no.10 Fortune Way would be obscured. I am also concerned that the small tree close to the proposed development would not survive the construction. I have not been provided with any evidence to convince me that it would. This would also lead to further degradation of the soft landscaping which currently frames the front of the dwelling.
14. On this second issue, I conclude that the proposed development would unduly harm the character and appearance of the host dwelling and streetscene and would be contrary to policy CP24 of the Tonbridge and Malling Core Strategy (adopted 2007) and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD (adopted 2020).

### **Conclusion**

15. Having considered all representations, for the reasons given above, I dismiss the appeal.

*Megan Thomas K.C.*

**INSPECTOR**