

# Appeal Decision

Site visit made on 31 July 2024

**by V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25<sup>th</sup> September 2024**

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**Appeal Ref: APP/P1425/W/24/3338376**

**Flat 1, 1 Lynwood Court, Lynwood Road, Saltdean, East Sussex BN2 8ER**

- 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 Mohamed Mahrous against the decision of Lewes District Council.
  - The application Ref is LW/23/0293.
  - The development proposed is the installation of a crossover and driveway.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application form refers to the 'insulation' of a crossover and driveway. This is clearly an error and therefore the description in the banner heading above has been corrected to replace 'insulation' with 'installation'.
3. The decision notice refers to paragraphs 110 and 112 of the National Planning Policy Framework (the Framework). These paragraphs appear as paragraphs 114 and 116 in the latest revision of the Framework and therefore I have referred to these in my decision.

## Main Issue

4. The main issue is the effect of the proposed development on highway safety.

## Reasons

5. Lynwood Court is a two-storey building facing Lynwood Road with a small paved front garden. Access to the property is via a set of steps that run adjacent to the front of the building.
6. The adjacent detached dwellings have similar small front gardens to the appeal site, with off street parking to the side of the dwellings to accommodate the depth of a vehicle.
7. Reference is made to the East Sussex County Council Guidance on Parking at New Developments<sup>1</sup> (ESCC Parking Guide) which details minimum parking space standards. The proposed spaces fail to meet the minimum width and depth standard, which is not disputed by the appellant. This is because the

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<sup>1</sup> Adopted March 2024

plot is not wide enough to accommodate two parking spaces and the depth of the parking area would be impeded by the steps that provide access to the property. As a result, vehicles using the parking arrangement are likely to overhang the plot and obstruct the footway, thereby interfering with the safe passage of pedestrians.

8. Despite the ESCC parking guide only being guidance, it has been designed to balance the need for appropriate parking provision with the safe operation of the public highway. Whilst incidents of vehicles overhanging the driveway could be enforced by other legislative regimes, in considering highway safety it would not be acceptable to rely on other legislative controls to manage a development that is inherently unsafe.
9. Whilst Policies CP11 of the Lewes District Local Plan: Part 1 Joint Core Strategy 2010-2030<sup>2</sup> (LDJCS) and DM25 of the Lewes District Local Plan<sup>3</sup> (LDLP) are primarily design focussed, they refer to the design of development being safe and car parking not dominating the public domain. As such they are relevant to my assessment.
10. With reference to there being other examples of existing driveways and vehicles not overhanging the public footway, this is because there are no comparable driveways to that proposed. The driveways on the opposite side of the road are deeper and the adjacent dwellings with a similar building line, have driveways to the side. As such they are large enough to accommodate the depth of a vehicle.
11. For the reasons given above, I conclude that the proposed development would harm highway safety. It is therefore contrary to Policy CP11 of the LDJCS and Policy DM25 of the LDLP which seek to ensure that the design of development is safe, and that car parking does not dominate the public realm.
12. The proposed development would also be contrary to paragraphs 114 and 116 of the Framework and the ESCC Parking Guide which specifies the need to achieve safe and suitable access arrangements and minimise the conflict between pedestrians, cyclists and vehicles.

## **Conclusion**

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
14. For the reasons given above the appeal should be dismissed.

*V Goldberg*

INSPECTOR

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<sup>2</sup> Adopted May 2016

<sup>3</sup> Adopted February 2020