



Appeal Decision

Site visit made on 5 November 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/V1505/D/24/3345936

1 The Hatherley, Basildon, Essex SS14 2QA

- 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 Andrei Popov against the decision of Basildon Borough Council.
 - The application reference is 24/00046/FULL.
 - The development proposed is driveway and dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interest of conciseness, I have taken the proposal description from the decision notice and appeal form.

Main Issue

3. The main issue is the effect of the proposed development on highway and pedestrian safety.

Reasons

4. The appeal property is a mid-terrace dwelling, which is set back from the road behind a wide grass verge. There is a footway on either side of the grass verge. The proposal seeks planning permission for a dropped kerb and a driveway, which would extend over the grass verge.
5. According to the Council's adopted parking standards, a vehicle parking space should measure 5.5 metres x 2.9 metres. However, the Council states that in exceptional circumstances 5 metres x 2.5 metres would be acceptable.
6. The parking area to the front of the house is irregular in shape. There is no compelling evidence before me that this proposed parking space would meet the Council's parking standards, particularly given the dimensions of 4.8 metres in length shown on the proposed plan. Although small cars could be parked clear of the footway, I am not convinced that this would be the case for many moderate sized or larger vehicles. Consequently, vehicles utilising this parking space are likely to overhang onto the public footway, which would cause an obstruction to pedestrians.
7. The proposed red granite paving would extend over the grass verge, which forms part of the adopted highway. The Highways Authority has objected to

the use of this material on the verge. The use of the hard surfacing material on the grass is likely to encourage vehicular parking in this area. This area is an irregular shape and measures between 4.2 to 5.6 metres in length. It is likely that vehicles would utilise this area as an additional parking space, causing a further obstruction to pedestrians. This could force pedestrians into the road, at a point which is close to a junction. As a result, I find the proposal would be harmful to highway and pedestrian safety.

8. I acknowledge the appellant's view that incidents of vehicle overhang onto the public footway are controllable and enforceable by separate legislation. However, it does not follow that such enforcement would take place or that the potential of penalties being issued would prevent parking that affects the footway. Nevertheless, I do not find that this justifies the acceptance of a sub-standard sized parking space, particularly given its relationship to the footway.
9. In this case, a pre-commencement condition seeking details of the surfacing materials would not mitigate the harm that I have identified.
10. For the reasons given above, I conclude that the proposal has the potential to result in unacceptable hazards for pedestrians to the detriment of highway safety. The proposal would therefore conflict with Policy BAS BE12 of the Basildon District Local Plan Saved Policies, September 2007 and Policies DM1 and DM8 of the Essex County Council's Development Management Policies, February 2011. These policies among other things seek to protect the highway network for the safe and efficient movement of people and goods by all modes of travel and that proposals comply with the Council's adopted parking standards.

Conclusion

11. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, which would outweigh that conflict. Therefore, the appeal is dismissed.

A James

INSPECTOR