



Appeal Decision

Site visit made on 19 November 2024

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2024

Appeal Ref: APP/D1590/W/24/3341538

124 Oakleigh Park Drive, Leigh-on-Sea, Southend-on-Sea, Essex SS9 1RU

- 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 Peter Gardiner against the decision of Southend-on-Sea City Council.
 - The application Ref is 23/01896/FUL.
 - The development proposed is LAYOUT PARKING TO FRONT AND INSTALL VEHICLE CROSSOVER.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form sets out a long description of development including reference to amongst other things, a previous proposal, statutory notification, web links, a description of the surrounds, and some deemed merits of the proposal. I have had regard to those matters in my assessment of the appeal. However, in the banner heading above I have taken the description from the Council's decision notice, which more succinctly describes the proposal.

Main Issue

3. The main issue is the effect of the proposal upon highway safety.

Reasons

4. Oakleigh Park Drive is one of several parallel primarily residential streets between the A13 and Pall Mall which appeared to be well trafficked main east-west routes through the area. Notwithstanding the similar linear layout, there are a number of distinct groupings of properties within Oakleigh Park Drive, with similar architectural features and plot sizes. Between the various groupings there are some variations in front plot widths and depths.
5. While my visit can only represent a brief snapshot in time, on-street parking was quite well used, but with a number of spaces available. It may well be that on evenings and weekends, parking levels may be greater. Many dwellings are served by dropped kerbs to modest driveways. The appeal site is the end of a terrace of similar properties, and the penultimate one in a run of consecutive dropped kerbs. Although, there appeared to be a greater concentration of dropped kerbs around the appeal site, than appeared the case along much of the remaining highway in Oakleigh Park Drive.

6. The Council's guidance and standards in the Vehicle Crossover Policy, Traffic & Highways (2021) (the VCP) seeks to balance the effect of crossovers, including on the safety of other road users and kerbside parking capacity. Undersized spaces can result in vehicles overhanging footways which are a hazard, especially to sight and mobility impaired pedestrians. The VCP states¹ when parking parallel to the footway, there must be an absolute minimum unobstructed off-street parking place of not less than 6.5m wide by 2.6m deep, sufficient to accommodate the entire vehicle and it must not obstruct the main door. Written consent must be obtained from the freeholder.
7. The VCP states that there are no concessions from the absolute minimum dimensions in any circumstances. The plans indicate the front area measures approximately 7m wide by 3m deep. However, this integrates an alleyway that leads to the rear of several nearby properties. The appellant has served Certificate C to try to identify and give notice to any landowners, freeholders and those with access rights. While the appellant has the consent of the freeholder of No 124 and has received no objections to the Certificate C notice, the full ownership and rights over the alleyway are not clear.
8. Therefore, the appellant does not have full control or rights over the alleyway land, or express consent from all the land and rights owners, to cross or manoeuvre over it. Moreover, at a point in the future, it could be physically segregated from the remaining appeal site. Excluding this area but including the access area to the front door, the Council and Appellant inform me the remaining parking space would measure 5.9m or 6.2m wide, respectively. Either way, the space is markedly below the required standard and does not meet the policy to provide a sufficiently wide and safe parking space.
9. Without the full dimensions set out in the standards, there is potential for cars to require multiple manoeuvres in the highway to enter or leave the space. While manoeuvres may be limited over the course of a day or week, they could result in obstruction in the highway and a hazard and source of conflict between vehicles, cycles or footway users either on-coming or passing the site. There is also the potential for a parked vehicle to overhang the footway, obstructing footway users, and meaning they may have to traverse the slope of the dropped kerb, resulting in greater difficulty for some users using the footway. Therefore, the proposal would result in an arrangement prejudicial to highway safety and the functioning of the highway.
10. It is not clear when neighbouring properties, including several to the south, undertook their crossovers. However, allowing this appeal would increase the stretch of highway where there could be obstructions, user conflict and adverse safety implications, increasing the potential for such occurrences. Therefore, while I have some sympathy with the appellant's views, and efforts in this appeal, the existence of the other crossovers do not justify allowing this appeal. It is also not demonstrated why removing the appellant's vehicle from being parked on-street would mitigate or outweigh the harm.
11. Occupation or ownership of properties is transitory over time. There is no certainty it will remain in the same occupation or ownership, and neither is it the case there will always be certainty an occupier will always own and only park a small vehicle that can comfortably fit and manoeuvre into the space. The proposal may result in more convenience for the appellant or neighbour,

¹ As shown at Page 15 of the Vehicle Crossover Policy, Traffic & Highways (July 2021).

including in respect of current arrangements for loading and unloading a vehicle and transporting young children. These matters, the absence of objections, and support from neighbours are noted, but do not overcome the fundamental concerns set out.

12. For the reasons set out above, the proposed development would result in an arrangement prejudicial to highway safety. This conflicts with the aims of Policy CP3 of the Southend on Sea Core Strategy (2007) and Policies DM3 and DM15 of the Development Management Document (2015). These aim to ensure development is well designed, would not unreasonably harm the surroundings, and improves road safety.
13. The proposal would be in contravention of the standards and guidance set out in the Council's Vehicle Crossover Policy – Traffic & Highways (July 2021), the relevant provisions of which I have set out above. It also conflicts with the aims of paragraph 114 of the National Planning Policy Framework (2023) (the Framework) which state that it should be ensured that safe and suitable access can be achieved for all users.

Other Matters

14. The Council and appellant consider the proposal compliant with policies in respect of character and appearance, and the living conditions of neighbouring occupiers, and I see no reason to disagree. A car not parking on the road would be parked on the drive, so I regard this as a neutral matter rather than a benefit to character and appearance. However, subject to the imposition of suitably worded planning conditions in respect of matters such as surfacing and landscaping, the proposal might result in some beneficial effects to character and appearance. However, no detailed scheme is submitted with this appeal, and it is likely this would be a limited benefit.

Planning Balance and Conclusion

15. The proposal would result in benefits to the occupiers in respect of convenient parking, and there could be limited benefits secured to the character and appearance of the area. However, all the benefits advanced are significantly outweighed by the potential of the proposed arrangement to prejudice highway safety.
16. The proposed development is contrary to the development plan read as a whole and there are no considerations advanced, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR