
Appeal Decision

Site visit made on 8 January 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2025

Appeal Ref: APP/T1410/W/24/3349891

17 Rosebery Avenue, Eastbourne, East Sussex, BN22 9QB

- 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 Barrie Gibson against the decision of Eastbourne Borough Council.
 - The application Ref is 230151.
 - The development proposed is extend drop curb & remove section of front wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development has started, and I was able to see this during my site visit.

Main Issue

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

Reasons

4. The appeal site (the site) is a detached dwelling converted into five flats. The area in front of the dwelling (the forecourt) is largely paved. The development involves the removal of two sections of low wall from the front boundary, facilitating access and parking for five vehicles on the forecourt.
5. Vehicular crossovers are a common feature in suburban environments, and pedestrians walking over them are accustomed to the inherent risk of interaction with moving vehicles. Even so, the crossover in the appeal scheme would be some 14.5m wide and, as such, a pedestrian passing the site would walk a longer distance than usual before the risk of vehicle interaction passes.
6. There could be five vehicles parked perpendicularly on the forecourt, each with direct and simultaneous access to the road. Conversely, depending on the number of available spaces, any vehicle entering the forecourt could do so at any point along the width of the entrance. The number and range of possible vehicle movements would dangerously undermine the ability of a pedestrian walking over the crossover to identify risk and act accordingly. This would be exacerbated by the likelihood of vehicles entering or leaving the site in reverse gear, reducing driver and pedestrian intervisibility.
7. I have been asked to consider the presence of numerous driveways on Rosebery Avenue and been provided with four numbered photographs of specific examples.

8. Whilst many properties in Rosebery Avenue have crossovers, in the main they are significantly narrower than the appeal development and do not pose the same risks, therefore. This is true of the crossovers in photographs 1 and 3.
9. The opening to the front of the property in photograph 2 is wide, but the dropped kerb to the roadway is narrow. It is not evident, therefore, that the arrangement shown is one in which vehicles are permitted to cross a wide stretch of pavement, as proposed in the appeal scheme.
10. Photograph 4 purports to show a 10-metre-wide driveway. Even if the dimension is accurate, it is significantly shorter than proposed in the appeal scheme, and does not pose the same risks, therefore. Furthermore, whereas photographs 1 to 3 are of driveways in Rosebery Avenue, photograph 4 is of a driveway 'in Eastbourne', and I have no evidence the location is comparable to Rosebery Avenue in terms of pedestrian movements. For the reasons set out above, I attach minimal weight to the cited examples, and do not consider them to set a precedent for the appeal.
11. Notwithstanding the absence of empirical evidence on the point, I recognise that the appeal scheme would ease any local on-street parking pressure, including any related to parking by users of a nearby health club. Furthermore, I am mindful that dismissing the appeal may result in some vehicles associated with the site being parked on the street. The provision of greater off-street parking is a benefit of the scheme in that respect.
12. Even so, Policy UHT1(e) of the Eastbourne Borough Plan (2003) requires the needs of pedestrians to be paramount in the design of access and parking arrangements. The policy is aged, but not inconsistent with the National Planning Policy Framework (the Framework), which states that applications for development should give priority to pedestrian movements, and create places that are safe, minimising the scope for conflicts between pedestrians and vehicles¹. The benefits of greater off-street parking do not outweigh the harm to pedestrian safety described above.
13. The Council has not found the development to harm the character and appearance of the area or, safety aside, the amenities of neighbouring residents. I have no reason to form a different view. These aspects of the scheme are, however, expectations of policy rather than benefits. As such, they do not weigh against the harms identified.
14. The development would have an unacceptable impact on highway safety, contrary to Policy UHT1(e) of the Eastbourne Borough Plan (2003) and to the provisions of the Framework.

Conclusion

15. 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. The appeal is therefore dismissed.

A Knight

INSPECTOR

¹ Paragraph 117 refers.