



Appeal Decision

Site visit made on 6 January 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2025

Appeal Ref: APP/T1410/W/24/3349013

Flat 10, Tollgate Gardens, Seaside, Eastbourne, East Sussex BN23 6NR

- 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 Joanne Cartwright against the decision of Eastbourne Borough Council.
 - The application Ref is 240066.
 - The development proposed is Ground Floor Flat, Drop Curb and Cross over onto existing paved parking area.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site (the site) includes a two-storey residential building split into flats. The front garden area has been partly laid to hardstanding and the adjacent front boundary is open. Outside the site is the A259 (the road), a main thoroughfare through Eastbourne which, near the appeal site, has a speed limit of 30mph. The presence nearby of an industrial estate, a retail park, supermarkets, a local junior school, and suburban housing create the potential for the road to be very busy with vehicle and pedestrian movements.
4. A series of refuge islands are located along the centre of the road, aligning with pedestrian dropped kerbs on either side. A person crossing at these islands does not have priority over vehicles and so must be mindful of oncoming traffic, including that from vehicular crossovers. Even so, the arrangement reduces the number and direction of vehicular movements which a pedestrian must consider whilst crossing the road, thereby making the process simpler and safer.
5. The vehicular crossover proposed in the appeal would overlap a refuge island and pedestrian dropped kerb outside the site. Vehicles entering or leaving the site would do so directly over a part of the road where pedestrians are directed to cross. Even though visibility splays at the site are reasonable, by increasing both the number and direction of vehicular movements immediately onto the crossing area, the appeal scheme would undermine pedestrian safety. This would be exacerbated by the absence of space enough to turn a vehicle around within the appeal site, requiring drivers to either enter or leave it in reverse gear. The combination of these features would have an unacceptable effect on pedestrian safety.

6. A tracking diagram has been supplied showing a driver entering and leaving the site using left turns, an arrangement the appellant contends would ensure safety. I do not consider a planning condition restricting occupiers of the site to such an approach could realistically be enforced. Moreover, the proposed arrangement would not mitigate the risks of new vehicular movements to and from the site directly onto the crossing area, half of which would be undertaken in reverse gear.
7. I recognise that there are other crossovers along the road, including one opposite the appeal site. However, the extent of risk associated with any crossover is to be assessed on a case-by-case basis, and I have no evidence that any nearby crossovers overlap pedestrian dropped kerbs in the way the appeal scheme would. I do not find there is any evidence of a precedent for the appeal scheme nearby, therefore.
8. I have no evidence of parking stress levels on the road, making it difficult to weigh any benefits associated with off-street parking. However, even if the appeal scheme provided a notable benefit in that regard, it would not be capable of outweighing the harm to highway safety identified above.
9. Whilst there are alternative crossing points along the road, I have no reason to believe that the crossing point outside the site is redundant, and that it is therefore reasonable to compromise its safe operation.
10. The appellant states that the refuge island outside the site is to be removed to accommodate a bus lane but provided no evidence to support that statement. In their consultation response, East Sussex County Council state that it would not be possible to remove or relocate the island. Overall, I have no reason to believe that the island will be removed in the near future, and the prospect has carried very little weight in my determination.
11. The proposed development would have a harmful effect on highway safety, contrary to Policies B2, D8, and D10A of the Eastbourne Core Strategy (2013) and Policy UHT1 of the Eastbourne Borough Plan (2003) where they require well designed developments that prioritise the needs of pedestrians, and the creation of a safe environment.

Conclusion

12. 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 dismissed.

A Knight

INSPECTOR