



Appeal Decision

Site visit made on 11 March 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th March 2025

Appeal Ref: APP/Z2260/D/25/3358885

31 Whitehall Road, Ramsgate, Kent CT12 6BZ

- 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 Martin McClean against the decision of Thanet District Council.
 - The application Ref is FH/TH/24/0803.
 - The development proposed is driveway at front of the property for disabled access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of clarity, in the header above I have omitted information that is unrelated to the description of development. I have addressed the appellant's concerns in respect of advice received from the Council in my reasoning, below.
3. The hardstanding for the driveway, supporting walls and drains were in situ at time of my site visit. The development has therefore been implemented. In my decision, this weighs neither for nor against the proposal.

Main Issue

4. The main issue in this appeal is the effect of the proposal on highway safety.

Reasons

5. The appeal property is a two-storey, mid-terrace dwelling. The row of dwellings is set back from the pavement by modest front gardens and is elevated above street level.
6. The surrounding area is predominantly residential with some commercial uses and is suburban in character. At time of my site visit, Whitehall Road was busy with traffic, on-street parking, and pedestrians. The footway is of standard width and has no verges or areas of refuge between plot boundaries or the carriageway.
7. Construction of the driveway has involved excavation works to lower the front garden to street level, with laying of hardstanding, drainage channels, and a stepped ramp access to the front door. Brick walls with pillars and metal railings surround the hardstanding to enclose the path to the appeal property's front door, and to support adjoining gardens and dwelling footings.
8. The local highway authority's dropped kerb guidance requires parking areas provide sufficient space to prevent a vehicle overhanging onto the pedestrian

footway. The guidance sets minimum depth standards of 4.8m if parking perpendicular to the road, or 6m if parking parallel to the road.

9. The submitted details suggest the depth of the hardstanding from the supporting wall to the channel drain is 4.3m. Therefore, the hardstanding would not be of sufficient depth to accommodate perpendicular parking.
10. The appellant's measurements indicate the side walls around the hardstanding are set 5.9m apart. This represents a small shortfall against the local standard for parallel parking depth. The guidance expresses standards as minimum dimensions, and therefore any shortfall is a failure to comply with the guidance.
11. The proposal contains no evidence, in lieu of satisfying the guidance, to demonstrate that parallel parking would be accommodated without a vehicle overhanging the footway. Therefore, I cannot be certain that the proposal would not obstruct the highway to the detriment of pedestrian users.
12. The walls run to the front of the plot and there are tall brick pillars abutting the pavement. The dropped kerb guidance advises that to ensure adequate pedestrian visibility, a splay of at least 2m x 2m from the back of the footway is required with no obstruction to visibility over 0.6m height above footway level. The brick wall and pillars significantly exceed the height threshold and would obscure sight lines between the driver of a vehicle exiting the driveway and pedestrian users of the footway. Therefore, the proposal does not provide adequate visibility for the manoeuvring of vehicles.
13. It is my understanding that the similar driveway at the adjoining dwelling is under investigation by the Council's Planning Enforcement Team. I note that some dwellings further east along Whitehall Road have on-plot parking and boundary treatments of varying heights. However, I have no evidence to indicate these driveways have been granted planning permission. The presence of other on-plot parking in the area does not justify the proposal nor negate the highway safety issues identified.
14. The appellant asserts proceeded with the development after the Council advised planning permission was not required. In my decision, I am not constrained by advice issued by the Council and must determine the appeal against the policies of the development plan, and having regard to other material considerations such as the provisions of the National Planning Policy Framework (the Framework).
15. For the reason set out above, I conclude the proposal would have an unacceptable adverse impact on highway safety.
16. The proposal therefore conflicts with Policy TP06 of the Thanet Local Plan which requires proposals make satisfactory provision for the parking of vehicles, having regard to relevant guidance. In addition, the proposal fails to satisfy Paragraph 116 of the Framework, which indicates development should be refused where there would be an unacceptable impact on highway safety.

Other Matters

17. As set out above, I have found the proposed driveway would adversely impact the safety of pedestrian users. A grant of permission for the development would give rise to an unacceptable loss of highway safety. I attach substantial weight to this finding against the appeal.

18. The development description indicates the proposed driveway would provide access for disabled persons. I have not been provided details of the personal circumstances of any disabled persons affected and have no evidence to demonstrate the proposed driveway is necessary to advance the equal rights of persons with disabilities beyond the facility offered by the existing designated disabled parking bay within the highway at the front of the appeal property. Nonetheless, I accept that on-plot parking would provide convenience for occupants, and therefore consider the proposal would have a moderate positive impact on persons with disabilities.
19. I have had due regard to the Public Sector Equality Duty set out under s149 of the Equality Act 2010. However, in this circumstance, the harm to highway safety outweighs the benefits in terms of eliminating discrimination against persons with the protected characteristics of disability, advancing equality of opportunity for those persons, and fostering good relations between them and others. I conclude that it is proportionate and necessary to dismiss the appeal.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR