



Appeal Decision

Site visit made on 16th April 2025

by **P H Wallace BSc (Hons) DipMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/J2210/D/25/3359117

13 Gordon Road, Herne Bay, Kent CT6 5QX

- 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 William Hale against the decision of Canterbury City Council.
 - The application Ref is CA/24/01746.
 - The development proposed is Formation of access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was originally described as, "Construction of a dropped kerb to facilitate parking to the front of the property". I have adopted a modified description as set out above which I note the appellant has used in his appeal application form and which is the same as the Council used in their decision.

Main Issue

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

Reasons

4. Gordon Road has a compact urban grain, characterised predominately by terraced and closely spaced, modestly fronted residential properties. Many are set back from the road by small, enclosed front gardens. Due to the constrained space within and between the majority of properties, parking is mostly on-street.
5. The appeal property is detached. It is fronted by a fenced, hard landscaped area, part of which is used for bin storage and over which there is access to the property's front door. Immediately adjoining the site to the south is a wide drive serving two dwellings and to the north, a garage driveway for a detached property. Pavement access is available to properties on both sides of the road.
6. It is proposed to remove the boundary fencing and form an access to an area of parallel parking at the front of the property. The plan indicates an unobstructed area for parking spanning the full width of the site measuring 7m x 2.3m and extending forward of a front bay window. Where the bay ends, the depth of the space increases to approximately 3m over 4.39m of the site's frontage.

7. The Highway Authority state that the size of the parking area would infringe their Dropped Kerb Guidance document. Where parallel parking is proposed in front of an access door or garage this requires a minimum space of 6m (length) x 4.2m (width), reducing to 6m x 3m where no opening exists. The authority consider that the larger space is required here and that failure to provide it would result in a parked vehicle overhanging the highway, posing safety risks to pedestrians, particularly those with sight or mobility impairments.
8. On my site visit I noted that the front door to the property is slightly recessed and inward opening. The Dropped Kerb Guidance provides an example of outward opening garage doors as the reason why a 4.2m wide parking space is needed. This dimension might be appropriate for the example given, however it seems excessive for what I observed. In my view a width of 3m would leave more than adequate room to park a vehicle while allowing normal access through the front door.
9. The appellant believes the available space would be sufficient to park small to medium sized vehicles with no obstruction or encroachment on the pavement, referring to the typical dimensions of such as around 4 to 4.5m long by 1.8 to 2m wide. I agree. However, I am obliged to consider all eventualities including whether occupiers might also wish to park a large sized vehicle.
10. It is unlikely that a larger car could be parked within the 4.39m x 3m area alone, but would need to extend into the longer 7m (long) x 2.3m (wide) strip in front of the bay window. However, given the bay window, insufficient space would be available to allow for convenient parking and car door opening.
11. On this basis the proposed parking space would be substandard. It could result in vehicles overhanging the footway and reducing the area available for pedestrians. This would be inconvenient, and potentially unsafe, for those with children and/or prams and wheelchair users, the blind, partially-sighted and elderly. While the appellant suggests that local parking enforcement could address any improper parking, this should not justify permitting development where such parking might be inherently difficult to avoid.
12. It is necessary to apply parking standards practically and in a manner that accounts for site circumstances and in this respect, I believe some relaxation of the parking standards sought by the Highway Authority Guidelines is justified. That said, the evidence points to the likelihood that the size of the available parking area would be unable to meet all reasonable potential parking needs, including those of future occupiers, introducing a probable risk of vehicle parking infringing and/or overhanging the footway.
13. The appellant states that he would accept relevant conditions to make the proposal acceptable. I have considered whether the use of the space could be restricted to a car of a maximum size (such as that relating to a small or medium sized vehicle), however planning conditions need to meet the test of reasonableness, amongst other things, and such a restriction on the size of car the owners of the property, and any successive owners, could park on the space would be unreasonable.
14. For the reasons given, the proposed development would be contrary to Policy DBE3 and T9 of the Canterbury District Local Plan 2017 which seek to facilitate the safe use of the highway, restrict development that has a detrimental effect on road safety and the safe movement of pedestrians, and provide adequate parking.

Other Matters

15. On my site visit, I noted Gordon Road has no parking restrictions and that both sides of the road were heavily lined with parked vehicles. In this context the provision of an off-street parking space would enhance the functionality of the property, providing greater convenience for occupiers by reducing reliance on on-street parking.
16. The appellant states that the development would have the benefit of reducing on-street parking demand. On this point however, I note that the formation of the crossover to the parking space would remove one on-street space which would otherwise be available for other residents and visitors to use. Only the occupant of the appeal site or possibly his visitor could use the proposed new off-road parking space whereas the on-street parking space would be permanently lost to other residents. Furthermore, a future occupant of the appeal site may not necessarily be a car owner and in those circumstances the permanent loss of an on-street parking space would in fact be a parking disbenefit.
17. The appellant alleges that the size of on-street and Council car parking spaces nearby fall well below both the length and width of the standard sought by the Highway Authority Dropped Kerb Guidance. Even if they do, no information has been provided to indicate when these spaces were installed, and they may pre-date current standards. Notwithstanding, I must determine the current appeal against relevant policies and based on its individual circumstances. In this respect I have found that the proposal would be unacceptable.
18. The Council is satisfied that the development would preserve the character and appearance of the Herne Bay Conservation Area within which it is located. They also find that it respects the living conditions of neighbouring occupiers. No objections are raised by the Council to other aspects of highway safety such as visibility for vehicles leaving the access. I have no reason to disagree with these conclusions, although compliance with the development plan in these respects is a neutral factor.

Conclusion

19. I conclude that the proposal would conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

PH Wallace

INSPECTOR