



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: 22 May 2025

Appeal Ref: APP/J2210/D/24/3358230

143 Faversham Road, Seasalter, Kent CT5 4SD

- 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 Mrs Kirsty Hampshire-Boswell against the decision of Canterbury City Council.
 - The application Ref is CA/24/01828.
 - The development proposed is a new driveway and vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property forms part of a terrace, featuring predominantly open-plan front gardens that face Faversham Road and are separated from it by a pedestrian footpath and grass verge. On-road parallel parking is permitted without restriction immediately in front of the terrace. The Road is straight at this point, offering good forward visibility to road users travelling in both directions. It has a speed limit of 30mph.
4. A driveway and vehicle crossover are proposed to enable vehicles to access and park in the existing front garden area of no.143. The Highway Authority consider that this would compromise highway safety, as the presence of on-street parking would prevent the achievement of the standard 2.4m x 43m visibility splay in both directions at the point where the driveway joins the Road.
5. The appellant considers the visibility excellent and provides photographs showing views along Faversham Road in both directions from the site. The images feature two parked cars positioned some distance either side of the proposed access point. It is unclear if the views are taken at a height commensurate with a driver's seating position. Notwithstanding, the evidence indicates the possibility of achieving some visibility when no cars are parked near the proposed driveway position.
6. During my unaccompanied site visit, I observed a row of parked cars extending both in front of and on either side of the proposed access point. While parking levels on the road are subject to fluctuation, I consider it highly likely, given the proximity and ease of access to the terrace properties, that a level of parking

commensurate with what I observed would regularly occur, making it probable that the proposed access would frequently function with visibility impaired by parked vehicles.

7. Consideration can be given to relaxing visibility splay requirements where there are lower traffic volumes and/or vehicle speeds. From my site visit however, Faversham Road appeared to experience a consistent traffic flow, including cyclists, cars, and larger commercial vehicles. I note the road also serves a bus route. A consequence of the observed parking was a reduction in the usable road width, making two-way traffic movement in front of the terrace difficult. While some vehicles paused to allow oncoming traffic to pass, the road's straight alignment also encouraged acceleration through the narrowed section. Given these observed conditions, I find no clear justification for a reduction in the visibility splay standard.
8. Within this context and where visibility is hindered by parking immediately either side of the driveway, there is a notable risk that vehicles leaving the driveway would have insufficient sight of traffic on the road and that road users would potentially lack the situational awareness to respond safely to a vehicle exiting the access. In my view, this arrangement would lead to an unacceptable reduction in highway safety.
9. For the reasons given, the proposed development would harmfully effect highway safety, contrary to Policy DBE3 and T9 of the Canterbury District Local Plan 2017. These policies seek, amongst other things, to facilitate the safe use of the highway and restrict development that has a detrimental effect on road safety. It would also be contrary to the National Planning Policy Framework which presumes against development that would have an unacceptable impact on highway safety.

Other Matters

10. The appellant has provided details of existing driveways at numbers 111 and 133, located a short distance to the east, both of which are said to function with vehicles parked either side of the access. It is stated that the driveway at No. 111 was installed in 2019. Other driveways along Faversham Road are also referenced, reportedly operating similarly. The Highway Authority state that the driveways are historic and have been in place since before 2009. From my observations, they appeared to be well established. Even so, while the appellant presents these examples as precedents, no evidence, such as planning permission references, have been provided. I am therefore unaware of the circumstances by which those came to be built. Each case must be assessed on its own merits, and it has not been demonstrated that the specific circumstances at these locations are comparable to No. 143.
11. The appellant asserts that no accidents have been recorded on Faversham Road in relation to vehicles exiting driveways. Again, no substantive evidence is before me on this, although even if this were the case, it is important to point out that only accidents involving personal injuries are recorded by the Police. Consequently, accident data alone does not provide a definitive measure of highway safety. In any event this appeal must be considered based on its individual merits, and in this instance, I find it to be unacceptable.
12. The appellant refers to a recent planning permission for a holiday park on the southern side of Faversham Road where a new vehicle access is proposed opposite the appeal property. The appellant is of the view that this arrangement

would interfere with or prohibit the continued use of the on-street parking outside her property. No substantive evidence has been provided however, which definitively confirms this as being a requirement of the permission such that there might be a realistic prospect of either a reduction in the availability of car parking locally and/or the potential achievement of visibility splays for the appeal driveway through the removal of on-street parking. For this reason, I am unable to attribute weight to the planning permission in determining this appeal.

13. While I note the appellant's concerns about on-street parking being lost at some point in the future and this being a prompt for seeking the driveway, in the absence of evidence on this matter, I must treat this as a speculative concern and as such can afford it no weight in my decision.

Conclusion

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

PH Wallace

INSPECTOR