



Appeal Decision

Site visit made on 17 July 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/K2230/D/25/3363775

62 Wrotham Road, Gravesend, Kent DA11 0QF

- 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 Naeem Karim against the decision of Gravesham Borough Council.
 - The application Ref is 20240880.
 - The development proposed is the use of the existing forecourt for the off-street parking of two cars .
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the safety of the public, with reference to highway safety.

Reasons

3. The appeal dwelling is a three storey semi-detached house with a block paved front forecourt that has a part metal fence and part brick wall boundary with the public highway. The appeal dwelling and its semi-detached pair are both Grade II listed buildings.
4. Wrotham Road is particularly narrow at the location of the appeal dwelling and is a Classified Highway, which, at the time of my mid-day site visit on a weekday was busy with through traffic, including buses and large HGV's. I have no doubt that the road at this point would be significantly busier during peak travel periods.
5. The proposal is for the removal of the front boundary fence and wall, to allow for the off street parking for 2 cars on the forecourt and a dropped kerb on the highway. This follows an appeal in 1994 in which an Enforcement Notice (EN) was upheld that required an unauthorised vehicular access to be stopped up. It would appear from the documents submitted that the forecourt of the appeal dwelling was again opened up and used for off street parking from some point prior to May 2019. Since 2023 the frontage has been returned to the condition imposed by the EN. I have not, however, been provided with copies of the EN or related appeal decision, I therefore have nothing that would inform me as to the Inspector's reasoning or considerations with regard to the decision to uphold the Enforcement Notice given over 30 years ago. Noting that planning practice and policy develops over time, I have therefore

considered the proposal in its current context on its own merits, which is a main principle of the planning system.

6. The forecourt to the appeal dwelling has a minimum depth of approximately 5 metres, which extends slightly in depth towards the boundary with its semidetached pair. This is adequate to provide the depth of off-street parking spaces for 2 cars. However, the guidance in the Kent County Council Dropped Kerb Application Guidance (2025) (the DKG) is for a minimum depth of 6 metres where off-street parking would be in front of the main entrance to a dwelling, and that is the case in this instance.
7. From my site visit, it is evident that the front door of the appeal dwelling is set over to one side, close to the boundary with its semidetached pair and there is a raised area with vertical upstand at the front of the appeal dwelling, to the rear of the forecourt, which is in excess of 1 metre deep in front of the door, which is itself recessed from the front elevation. Given the location of this front door, the width and depth of the forecourt and the raised area with upstand, I find that there would be sufficient space to park two vehicles on the forecourt, without requiring a vehicle to overhang the footway in order to keep the front door of the dwelling clear and accessible. As such, I find that the proposal meets the aims and guidance in the Kent County Council Dropped Kerb Application Guidance (2025) (the DKG) and does not inherently present such a risk.
8. It is reasonable to require vehicles to access and exit the forecourt in a forward direction only on a busy classified road of this type. However, there is insufficient space on the appeal site to allow the manoeuvring required to make this possible. Due to the presence of vehicles parked on street in front of the neighbouring property at Wrotham Court and the narrowness and evident busyness of the road at this point, having to reverse a vehicle onto the forecourt of the appeal dwelling, would result in tight manoeuvring and delays to through traffic. This would require a significantly greater degree of manoeuvring in traffic than the parallel parking required for the nearby on street parking. As such there is not a safe environment with regard to the reversing of a vehicle into the parking spaces proposed and the proposal would therefore have a significant effect on highway safety. It would therefore be unsafe for vehicles to reverse onto the proposed parking spaces, in order to enable them to exit the forecourt in a forward direction.
9. As part of their appeal submission the appellant has submitted a new plan¹ that does not affect the design or layout of the proposal itself but does provide information relating to visibility splays for off-street parking, where access is required to a 30mph road, such as Wrotham Road. This was not available to the Council in making its decision, but they have provided comments on the new plan.
10. The new plan submitted by the appellant shows pedestrian visibility splays of 2 x 2 metres from the boundary of the forecourt with the back of footway. However, this does not follow the guidance given in both the Manual for Streets (MFS) or the DKG for pedestrian visibility splays, as these are meant to be measured back onto the appeal site and not into the highway as shown on the appellant's new plan.

¹ Plan Ref: 1522.WD.08

11. From my site visit and measurements taken, it is evident that the retaining wall to the raised area of planting with a large tree in the front of the adjoining property is approximately 1 metre in height. The retaining wall and tree would both be within the required 2 x 2 pedestrian visibility splays and, as such, they would significantly impede visibility and have a significant detrimental effect on pedestrian safety. As the raised planting area and tree are not within the appeal site and appellants control, there are no mitigating measures that I can require by condition in this instance.
12. Driver visibility splays required by both the MSF and DKG of 2.4 x 43 metres are measured from the from the back of the carriageway towards the appeal site. The footway in front of the appeal dwelling is approximately 1.85 metres in depth, meaning that the visibility splays should be measured from a point 0.55 metres into the appeal site. The new plan submitted by the appellant does not do this, rather it shows the splays as being measured from the boundary of the appeal site with the highway at the back of footway.
13. Similar to the pedestrian splay requirements detailed above, the retaining wall and tree would sit within these required splays and would impede diver visibility as at a point where they would be joining the highway in a forward direction, as would be the cars parked on street in front of Wrotham Court. As such the proposal would result in a significant detrimental effect on highway safety in this regard. The splays shown on the new plan do not, therefore, meet the requirements for such off street parking spaces with access onto a 30mph road, as set out in the MFS and the DKG.
14. The appellant has drawn my attention to off-street parking on the forecourt to the appeal dwelling's semi-detached pair. This, however, appears to have space for vehicles to manoeuvre on site to allow them to both access and exit the forecourt in a forward direction, with suitable visibility splays. From the information before me it would appear that the appellant is correct in stating that no collisions have been reported that are related to parking on the forecourts of the semi-detached pair, this does not however indicate that there is no inherent risk to safety presented by the proposal as I have detailed above.

Other Matters

15. The Council officer's report states that the council found that the proposal has no significant effect on the significance of this Grade II Listed building and, therefore, preserves its significance as a heritage asset. A separate Listed Building Consent does not appear to have been required by the Council in this instance. However, under section 66(1) of the Planning and Listed Buildings and Conservation Areas Act 1990, I have a responsibility in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Given that the boundary wall that would be removed to accommodate the proposal has already been previously demolished and rebuilt and does not make any significant contribution to the special architectural or historic interest of the listed building, I see no reason to demur from the Council's conclusion in this regard.

16. For the reasons given above, I find that the proposal would result in substantial harm to highway safety and conflicts with Policy CS11 of Gravesham Local Plan Core Strategy (2014), saved policies T1 and T5 of Gravesham's Local Plan First Review (1994) and Paragraph 116 of the National Planning Policy Framework (2024). These collectively seek developments that are adequately served by the highway, mitigate their impact on it and that no danger would arise, such that it would result in unacceptable impact on highway safety.

Conclusion

17. For the reasons given above, the appeal is dismissed.

Victor Callister

INSPECTOR