



## Appeal Decision

Site visit made on 13 October 2025

**by Frances Mahoney MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12<sup>TH</sup> November 2025

**Appeal Ref: APP/D1590/W/25/3371237**

**90 Oakleigh Park Drive, Leigh On Sea, Essex, SS9 1RS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Daniella Boon against the decision of Southend-on-Sea City Council.
- The application Ref 25/00864/FUL.
- The development proposed is to extend the existing dropped kerb at 90 Oakleigh Park Drive (Flat) by an additional 2.44 metres.

### Decision

1. The appeal is allowed, and planning permission is granted to extend the existing dropped kerb at 90 Oakleigh Park Drive (Flat) by an additional 2.44 metres in accordance with the terms of the application ref 25/00864/FUL subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the proposed site plan and location plan submitted with the application.

### Preliminary matters

2. The full description of the proposed development set out on the planning application form was as follows:

*Application to extend the existing dropped kerb at 90 Oakleigh Park Drive (Flat) by an additional 2.44 metres, in accordance with the consent granted by Southend-on-Sea City Council (Ref: 25-00030, dated 5th June 2025). The new dropped kerb will have an overall width of 4.88 metres and a depth of approximately 2.2 metres to accommodate improved vehicle access to the existing driveway. No change of use is proposed. The property is a residential dwelling and does not exceed 18 metres or 7 storeys and therefore does not require a Fire Statement.*

3. For brevity I have adopted the description as expressed in the first sentence set out above.
4. The consent referred to in the long form description (Ref 25-00030 dated 5 June 2025) is the decision acceptance notice from the City Vehicle Crossover Team. I understand this followed a site inspection by a member of that team where the applicant was informed the proposal was acceptable. However, the formal notice did inform the applicant that as the property was a flat, planning permission would

be required for the extension of the dropped kerb. The Vehicle Crossover Policy also sets out at Section 4.0 when planning permission is required. This policy informs the work of the City Vehicle Crossover Team and, whilst a material consideration, does not override legitimate planning matters in this decision-making process.

## **Main Issue**

5. The main issue in this case is whether proposed extension of the existing dropped kerb would unacceptably impact on highway and pedestrian safety.

## **Reasons**

6. Oakleigh Park Drive<sup>1</sup> is a pleasant leafy street of mainly Victorian and Edwardian terraced and semi-detached houses, typical of many of the streets in Leigh-on-Sea. The road is long and straight and has generally unrestricted parking along both sides of the road. As a result, other than where there is a dropped kerb, parked on-street vehicles dominate.
7. Apart from the similarity in design of the homes the area is characterised by the houses being set close to the back of the pavement and road. This distance does vary allowing the provision of some on-site frontage parking for some homes. From my observations at the site visit, these spaces, when occupied by a vehicle, often appear either as being at odd angles on the frontage or set very close or hard up to the house itself. However, in the main most were parked clear of the pavement and many of the parked cars observed were of a more compact design and size.
8. The houses with less depth of front garden, insufficient to accommodate a vehicle must rely on the on-street parking. In the circumstances of parking pressure for on-street spaces I can full understand why residents would wish to maximise on-site provision if that is possible.
9. 90 Oakleigh Park Drive is an attractive semi-detached house with a wide two storey, gable ended, projecting bay window on the front elevation<sup>2</sup>. It is located part way down the road and is divided into two flats<sup>3</sup>. There is limited space between the front wall of the bay and the back of the footpath<sup>4</sup>, although this area is paved and open. There is an existing dropped kerb on the southern side of the house frontage, and it is this which is proposed to be extended by an additional 2.44 metres.
10. I understand that the existing dropped kerb is historic and that previously the front garden included a front boundary wall which has now been removed, allowing the front to be opened up, paved and used for the parking of a single vehicle, an arrangement repeated along Oakleigh Park Avenue.
11. At my site visit I observed that a Toyota Aygo X, described as a compact city car, had been very adeptly parked in front of the bay window, parallel to the road. The car would have had to be reversed in using the existing dropped kerb and, as the

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<sup>1</sup> A non-classified road.

<sup>2</sup> The applicant states on the layout plan that the projecting bay window is some 4.2 metres in length. This is not challenged by the Council.

<sup>3</sup> 90 & 90A.

<sup>4</sup> The applicant states on the layout plan that that distance is 2.2 metres. This is not challenged by the Council.

appellant indicates, I have no doubt it would have taken some skilful manoeuvring to park the car within inches of the bay window wall, but clear of the pavement, being within the front paved area of the house.

12. The Highway Authority accepts that the existing dropped kerb has been in place for some considerable time<sup>5</sup>. The objection raised is, albeit that the proposed extended crossover would more likely make access safer, any vehicle parked would likely overhang the highway causing an obstruction.
13. Whilst the Council accepts that the proposal is acceptable in principle, and is policy compliant<sup>6</sup>, detailed planning considerations must be addressed. The reason for refusal develops the ground that the front hardstanding would not be sufficient for a vehicle to park within the confines of the paved area parallel to the highway.
14. As already stated, I observed that it was possible to park a vehicle parallel to the road and clear of the pavement area at 90 Oakleigh Park Drive, albeit that I accept it would need to be a compact, small car. From the statement of the appellant, it would also seem that this frontage area has been used for parking for some time. Having walked along Oakleigh Park Drive in both directions I also observed a number of other similar on-site parking arrangements.
15. A further concern is that any vehicle parked would likely overhang the highway causing an obstruction. As already observed the small compact car did not overhang the pavement or cause an obstruction. In practical terms some householders are making their choice of vehicle with the desire to park on-site in mind. However, I would be unable to impose a condition which lawfully could limit the type of vehicle to be parked on the paved frontage of No 90 to a small car.
16. Nonetheless, this is an existing on-site parking situation served by an historic dropped kerb which, whilst not having planning permission, there is no suggestion by either the Council or the Highway Authority that action would be taken to seek the cessation of its use or the existing parking on the front paved area.
17. As it stands it would be possible for a larger vehicle than that observed at the site visit to try to park on the front paved area. However, I agree with the Highway Authority that this would likely result in overhanging the pavement/highway causing an obstruction. However, whilst I may not have powers to limit the size and type of vehicle parked in the existing parking space, the Highway Authority would have powers to pursue such a situation were they to consider there to be an issue for highway safety.
18. Nonetheless, the possibility of a parked vehicle overhanging the pavement resulting in an obstruction, in my view, does present some possible limited harm for pedestrians using the footpath. However, this then needs to be weighed against the identified benefit of the improved cross-over for highway safety, making access safer.
19. Paragraph 116 of the National Planning Policy Framework sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Southend on Sea Core

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<sup>5</sup> Historic.

<sup>6</sup> Report of Planning Officer delegated authority signature 12 August 2025 para 6.1.

Strategy Policy CP3 seeks to improve highway safety<sup>7</sup> and provide equality of access for all. Development Management Document Policy DM15 identifies that reliance on on-street parking would only be considered appropriate where it can be demonstrated that there is on-street parking capacity. From my observations Oakleigh Park Drive already suffers from on-street parking pressure, and I have no doubt at peak periods that pressure would increase.

20. It has been suggested that were permission to be granted this would create a precedent for similar proposals. Firstly, each proposal should be evaluated on the specific circumstances and evidence pertinent to that case. Secondly, I am mindful that there are already similar parking arrangements along Oakleigh Park Drive, although I accept that some may not have required planning permission as they are not flats. Finally, the ability of the Highway Authority to take action were an obstruction to the highway resulting in an unacceptable impact on highway safety to occur, is a material consideration in this case.

### **Conclusion**

21. The purpose of this proposal is to improve the level of direct vehicular access from Oakleigh Park Drive, which the Highway Authority accepts would more likely make access safer. The existing historic access allows for parking on the front paved area of No 90. Were permission to be withheld, I do not believe this situation would change and the appellant would continue to park her compact city car clear of the pavement in front of the bay window.
22. Therefore, taking a pragmatic approach, in the circumstances of existing parking patterns and pressures, both on and off street along Oakleigh Park Drive, I do not consider that the appeal proposal presents an unacceptable impact on highway safety. In reaching this decision I have taken into account that the proposal is for an extension of an existing dropped kerb and that the proposal would not facilitate the parking of multiple vehicles on the appeal site. Further I have given the advice of the Highway Authority that the proposed dropped kerb extension would improve highway safety in respect of access, considerable weight. Any future possible overhanging of the pavement by a parked car on the paved front area of No 90 could be controlled by other means were an obstruction to result. In this way the terms of national and local planning policy would not be compromised.
23. For the reasons given above this appeal should be allowed subject to the conditions set out in my decision and outlined below.

### **Conditions**

24. The Council has not included promoted conditions were the appeal to be allowed. The appellant already has the consent of the Council's Vehicle Crossover Team and the standard, and construction of the permitted dropped kerb would be controlled outside of the planning regime. Therefore, having regard to the relevant tests against which conditions must be measured I have imposed the standard time condition and one to specify the approved plans to ensure clarity.

*Frances Mahoney* INSPECTOR

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<sup>7</sup> As the Highway Authority advise this proposal would do for access.