



Appeal Decision

Site visit made on 13 January 2026

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2026

Appeal Ref: APP/D1590/D/25/3375010

29 Victoria Road, Leigh-on-Sea, Southend-on-Sea SS9 1AU

- 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 Fitzpatrick against the decision of Southend-on-Sea City Council.
 - The application Ref is 25/00983/FULH.
 - The development proposed is described as 'drop kerb'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development set out in the banner heading above is taken from the application form. However, the appeal form and decision notice describe the development proposed as 'install new vehicle crossover onto Victoria Road'. As this is a more accurate description of the proposed development, I have determined the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on road user safety.

Reasons

4. The appeal site fronts onto Victoria Road, comprising a dwelling set back from the footway in a primarily residential area. The appeal site and most other properties on this side of the street have hard surfacing in front of the houses and some have vehicle crossovers onto the road.
5. The proposal is for a new vehicle crossover which would enable the legal use of the hardstanding for car parking. The Council's Vehicle Crossover Policy 2021 (VCP) sets out minimum dimensions of 2.6m deep and 6.5m wide for parking parallel to the footway.
6. The front hardstanding at the site is over 3m deep and around 6m wide. Thus, although it exceeds the minimum dimensions for a parking area at a right angle to the footway, it does not meet the minimum requirements for a parallel parking space. Accordingly, the Council's Highways Manager objects to the proposal as a parked vehicle could overhang onto the public highway causing an obstruction or obstruct the main access to the dwelling.

7. At my daytime site visit, some front hardstandings on this side of the road accommodated parked cars parallel to the footway which did not project onto the pavement. However, given that the hard surfaced area on the appeal site falls short of the minimum width required by the VCP, I cannot be certain that vehicles parked on it would not overhang the footway. Indeed, the Council refers to historic, public available imagery showing a vehicle overhanging the public footway at the site in 2019.
8. The appellant considers that the largest cars, at just over 5m long, could be manoeuvred into the space, with smaller cars more easily accommodated. Nevertheless, the types of vehicles used by occupiers of the property cannot be controlled and it would be difficult to manoeuvre larger cars into the space without projecting onto the adjacent footpath or obstructing pedestrian access to the dwelling. As such, there is no certainty that vehicles using the proposed crossover would not overhang the footway. This would create an obstruction to pedestrians, particularly those with young children, pushchairs and disabilities, potentially forcing them to use the road instead of the path, causing a danger to them.
9. It is indicated that the appellant intends to remove the side boundary walls and replace these with iron railings which would increase the width of the frontage. Nonetheless, this does not form part of the scheme before me and, in any event, it is not clear that this would sufficiently increase the width of the parking area.
10. There is reference to a vehicular access at 23 Victoria Road allowed on appeal in 2014¹ despite the highways objection that it did not meet the size requirement for a parallel parking space. However, this was significantly prior to the adoption of the VCP which aims to avoid the hazard, especially to sight and mobility impaired pedestrians, of vehicles overhanging footways.
11. There are recent examples where the Council has approved vehicle crossovers which do not meet the VCP's minimum requirements for parallel parking. In the case of 50 Hillside Crescent, Leigh-on-Sea², it had been evidenced that a large car could park comfortably on the drive with space around it. At 124 North Road, Westcliff-on-Sea³, the hardstanding is significantly deeper than the at the appeal site, allowing more room for vehicles to manoeuvre and park. In contrast to the scheme before me, there were no highways objections to those proposals. Further, in this case there is some evidence that the substandard sized hardstanding results in vehicles obstructing the footway on this side of the road.
12. Consequently, I conclude that the proposed development would harm road user safety. This would be contrary to Policy CP4 of the Southend-on-Sea Core Strategy 2007 and Policy DM15 of the Council's Development Management Document 2015 (DMD). Together, these require the creation of safe development with accesses which do not unreasonably harm public rights of way, amongst other things.
13. Policy DM3 of the DMD relates to the efficient and effective use of land. However, this does not directly link to the harm identified and therefore I find no specific conflict with Policy DM3 when reaching my conclusion.

¹ Appeal ref APP/D1590/D/14/2214216

² Planning application ref 24/01694/FULH

³ Planning application ref 24/01520/FULH

Other Matters

14. The Council did not find harm or development plan conflict in relation to several other matters, including character and appearance and living conditions. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the scheme.

Conclusion

15. For the reasons given above, 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. The appeal is therefore dismissed.

A Wright

INSPECTOR