

Appendix 1

KCC Highways Letter Dated 22 February 2021
Agreeing to a Crossover to Rosemount GB/20210014 Refers.



Gravesham Borough Council

Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 22 February 2021

Application - GB/20210014

Location - Rosemount, Sole Street, Cobham, Gravesend Kent

Proposal - Formation of a vehicular access onto a classified road.

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Firstly I must apologise for the delay in responding but as you are aware I was awaiting confirmation from the KCC Vehicle Crossing Manager to ensure that he would not be objecting to a vehicle crossing application at the same property. He has now confirmed this.

This application has been the subject of several previous applications which were refused as they did not meet the necessary criteria regarding visibility and turning space. Further information regarding the proposals has clarified the position and I have now re-assessed the highways impact.

The depth of the driveway is shown as 4.8m and whilst the KCC standard is 5.0m I do not feel that the slight shortage is a justifiable reason for refusal.

In terms of visibility, the supporting documents have demonstrated that visibility splays of 43m. x 2.0m at a height of 1.05m above carriageway level are achievable in both directions if measured to points 1.0m away from the kerb line and this is considered acceptable.

In terms of turning space, the supporting documentation has demonstrated that there is sufficient space within the curtilage for a vehicle to turn and to be able to enter and egress in forward gear.

Finally, I note that there are other existing similar vehicle crossings in the vicinity with a similar arrangement and no crash record as a result therefore I consider it would be inappropriate to refuse this application on highway safety grounds. It is considered beneficial for a vehicle to be parked off-street at this location rather than a vehicle with a blue badge to be parked legally at the kerbside.

In view of the above I recommend no objection to this application provided the visibility splays shown on the submitted drawings are provided and continuously maintained.

Please advise the applicant that they will require **separate** consent from KCC Highways for the construction of the vehicle crossing within the public highway.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

David Barton

Senior Development Planner

Appendix 2

Planning Appeal 41 Downland Walk, Chatham.
19/3236100 – Garage Conversion.



Appeal Decision

Site visit made on 11 November 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/A2280/D/19/3236100

41 Downland Walk, Chatham, Kent ME5 8AF

- 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 Mr Paul Stevens against the decision of The Medway Council.
 - The application Ref MC/19/1420, dated 28 May 2019, was refused by notice dated 26 July 2019.
 - The development proposed is described as 'garage conversion'.
-

Decision

1. The appeal is allowed and planning permission is granted for a garage conversion at 41 Downland Walk, Chatham, Kent ME5 8AF, in accordance with the terms of the application, Ref: MC/19/1420, dated 28 May 2019, subject to the following condition.
 - 1) The development hereby permitted shall be carried out in accordance with the following plans and drawings (or any approved non material amendment to these plans):
 - Drawing Nos TAB/06/49, TAB/06/46, TAB/06/43, TAB/06/47 and TAB/06/48 A,

Preliminary Matters

2. The appeal property was granted as part of a larger development approved under reference MC2002/1507. Condition 6 attached to that planning permission states that *No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order.... shall be carried out on the land or buildings shown for the parking or garaging of vehicles or in such a position as to preclude vehicular access to a vehicle parking area.* The Council is of the view that the removal of the garage door and the insertion of patio doors would amount to development because these works would materially affect the external appearance of the building. I have taken the appellant's submission of a householder application for the works as agreement to the Council's proposition and considered the appeal accordingly.
3. During my site visit I observed that the original garage door has been removed and a new garage door installed in a different position further forward towards the road. The installation of the existing garage door does not form part of the proposal before me, which is shown on the submitted drawings, and therefore it is not something I have considered.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on highway safety and residential amenity, with particular reference to parking.

Reasons

5. The appeal property is a mid-terrace town house located on the western side of Downland Walk. I have not been presented with substantive evidence from either the Council or appellant, such as a parking survey to a recognised methodology, demonstrating the extent or otherwise of parking stress in this cul-de-sac. Nevertheless, I observed several cars parked in the street, most of which had mounted the kerb. This situation could get progressively worse in the evenings and weekends when most residents are likely to be at home. As such, from the evidence before me I consider the Council's concerns regarding on street parking pressures at peak periods to be plausible.
6. The property benefits from an off-road parking space on the driveway and partially within the integral car port. There is also an integral garage, which is intended to be used as a second off road parking space. The appeal scheme would replace the existing garage door with a patio door in order to facilitate the conversion of the garage to a bedroom. If completed, the works would prevent the garage from being used as an off-road parking space.
7. The Council's parking standards require three and four-bedroom dwellings to have two off road parking spaces. The appellant intends to retain only a single parking space and therefore the appeal property would be short of the Council's parking standard by one space. That said, the integral garage is shown on Drawing TAB/06/47 with dimensions of 6.29m by 2.59m. In practical terms the garage is narrower than 2.59m as there is an original soil vent half way along which further reduces the useable width. An analysis of around seventy car models by the appellant found an average vehicle width of 2.07m with the 95th percentile width being 2.2m. Thus, there would be very little room to open a car door if vehicles of these dimensions are parked in the garage.
8. In fact, the available space would be so limited as to make use of the garage as a parking space impractical, particularly if residents have difficulties with their mobility. In this respect I note that the appellant's wife is registered as disabled. Accordingly, it is understandable that Kent County Council suggests that the preferred width of a single garage is 3.6m and the Council's parking standards state that garages should be excluded (as a parking space) if less than 7m in length by 3m in width. The garage at the appeal site is well below these dimensions. Although the Council's standard is primarily aimed at new garages this guidance is nevertheless material to my assessment as it is an indication of what size a useable garage should be. As such, I share the appellant's view that the existing integral garage should not be considered a parking space as it is not practical to use it as such.
9. The parking space on the driveway at the appeal site is narrower than the garage due to the presence of brick piers. However, it is possible to pull forward of the piers and slightly overhang the pavement in order to exit a vehicle. Thus, the width of the forecourt space does not demonstrate the garage is wide enough to adequately function as a parking space.

10. Given the foregoing, it is entirely unsurprising that the occupants of other properties nearby have converted their garages and that the existing garage at the appeal site is used as a store rather than a parking space. Condition 6 of planning permission MC2002/1507 does not prevent the use of the garage for storage or require it to be kept free for its intended use as a parking space. Thus, even if this appeal were dismissed, it is highly unlikely the garage would be used as a parking space.
11. Accordingly, the appeal scheme would not result in additional pressure to park on-street. This pressure already exists because the garage is unusable as a parking space. Accordingly, the appeal scheme would retain the status quo in terms of the demand for on street parking. It therefore follows that the appeal scheme would not harm highway safety and residential amenity. In coming to this view, I have carefully considered the comments of the Principal Transport Engineer, but I have come to my own conclusions for the reasons given based on the evidence before me.
12. In conclusion, I find no conflict with Policy T13 of the Medway Local Plan 2003 (LP), which states that development proposals will be expected to make vehicle parking provision in accordance with the adopted standard. The policy does not require the standard to be met and for the reasons given there is justification for not doing so in this instance. Moreover, there would be no conflict with Policy BNE2 of the LP, which seeks to protect amenity when considering activity and traffic. It therefore follows that I find no conflict with Paragraphs 109 or 127 of the National Planning Policy Framework,

Conditions

13. Having regard to the advice in the Planning Practice Guide and the fact that the works have commenced, the only condition that I consider necessary to impose is that the proposal is implemented in accordance with the submitted drawings in the interests of certainty.

Conclusion

14. The appeal scheme is not in conflict with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

Graham Chamberlain

INSPECTOR

Appendix 3

Planning Appeal 21/3280744 69 Borden Lane, Sittingbourne, Kent
Proposed dropped kerb.



Appeal Decision

Site visit made on 27 November 2021

by Cullum J A Parker BA(Hons) MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1st December 2021

Appeal Ref: APP/V2255/D/21/3280744

69 Borden Lane, Sittingbourne, ME10 1BU

- 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 Mr Callum Elliot against the decision of Swale Borough Council.
 - The application Ref 21/501383/FULL, dated 1 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is described as 'dropped kerb'.
-

Decision

1. The appeal is allowed and planning permission is granted for dropped kerb at 69 Borden Lane, Sittingbourne, ME10 1BU in accordance with the terms of the application, Ref 21/501383/FULL, dated 1 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 69 Borden Lane dropped kerb – Location Plan (Plan reference number TQRQM21071094127150); 69 Borden Lane dropped kerb; and, 69 Borden Lane dropped kerb (Plan reference number TQRQM21071093745635).

Main Issue

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

Reasons

3. The appeal site comprises a two-storey end of terraced dwelling with a grassed frontage up to the rear of the pavement with a narrow footpath leading to the front door. It is located within the urban area of Sittingbourne, with the street scene characterised by a mixture of terraced, detached and semi-detached houses. Some of which have had provision made in front garden areas for off-street parking. Borden Lane is classified as a 'C' road, with no indication that the speed limit is anything above the maximum 30mph associated with most residential areas.
4. The local highways authority recommended refusal on the grounds that '*the proposals do not provide adequate facilities to enable vehicles to enter and exit the site in a forward gear, to the detriment of highway safety*'. The Local Planning Authority has echoed these concerns and refused permission as the

proposal is considered contrary to Policies CP4 and DM14 of the *Swale Borough Local Plan Bearings Fruits 2031* (adopted 2017) (SBLP).

5. However, I have not been directed to any specific policy that sets out that a turning area has to be provided within a site to make a proposal for a dropped kerb acceptable. Indeed, I saw during my site inspection that there are other properties along Borden Lane which are not served by a turning area or obvious space for one. Furthermore, it is unclear as to how the provision of a turning area would contribute positively to highway safety. Even were such an area provided, it would continue to be up to the driver of vehicles to decide whether to use it or not.
6. This fact is further compounded when one considers that the area to the front of No 69 Borden Lane is unlikely to be suitable for more than one or two vehicles to park off the highway. As such the quantum of traffic reversing onto or off Borden Lane, which is a highway subject to relatively low speeds, is unlikely to be of any great significance.
7. As such, in light of the above considerations, I find that the proposal would not result in an adverse impact on highway safety in terms of its users. Accordingly, the proposal would accord with the Policies CP4 and DM14 of the SBLP, which, amongst other aims, seek to ensure that development proposals reflect the positive characteristics of features of the site and locality.

Conditions

8. I have considered the two suggested conditions in light of the national planning policy and practice guidance. Conditions requiring the development to commence within three years of permission and in accordance with the submitted drawings are necessary and reasonable to provide certainty.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

Cullum Parker

INSPECTOR



Swale Borough Council

Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 16 April 2021

Application - SW/21/501383/FULL

Location - 69 Borden Lane, Sittingbourne, Kent ME10 1BU

Proposal - Dropped kerb

I refer to the above planning application and I recommend that this application be refused on highway grounds for the following reason(s):-

This proposal would result in a new access onto Borden Lane, which is a classified 'C' road. As such, a turning area would be required within the site, to allow sufficient manoeuvring space for vehicles to move in and out of parking spaces and exit the site in a forward gear. Although a proposed site plan has not been submitted, it is evident that sufficient turning room cannot be provided within the proposed driveway, which would lead to vehicles reversing off/onto the highway.

Consequently, I would recommend that this application be refused on highway grounds for the following reason(s):-

- The proposals do not provide adequate facilities to enable vehicles to enter and exit the site in a forward gear, to the detriment of highway safety.

Yours faithfully

Alison Coppin
Development Planner