



Appeal Decision

Site visit made on 17 December 2003

by **Clive Hughes** BA(Hons) MA DMS MRTPI

an Inspector appointed by the First Secretary of State

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Date

07 JAN 2004

Appeal Ref: APP/K2230/A/03/1127311
36 Singlewell Road, Gravesend DA11 7PW

- 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 & Mrs J Pink against the decision of Gravesham Borough Council
- The application (Ref GR/20030024), dated 13 January 2003, was refused by notice dated 19 March 2003
- The development proposed is dropped path for vehicle access

Summary of Decision: The appeal is dismissed.

Procedural Matters

- 1 The Council has described the development as construction of a vehicular access on to a classified road. I have used that description for this decision.

Main Issue

- 2 I consider that the main issue is the effect of the development on highway safety in the vicinity of the appeal site.

Planning Policy

- 3 The development plan for the area includes the Gravesham Local Plan First Review (adopted November 1994). Policy T5 says that the formation of new accesses onto roads forming the highway network shown on the Proposals Map will not normally be permitted except where no danger would arise and where a properly formed access can be created to an acceptable standard.
- 4 The emerging plans include the Gravesham Local Plan 2nd Review (Deposit Version, 2000). Policy T12 broadly reiterates Policy T5 of the adopted plan, stating that exceptions may be made where the flow of transport would not be impeded, no danger would arise in highway safety terms, and where a properly formed access can be created to an acceptable standard. This plan has been adopted by the Council for development control purposes but is still at a relatively early stage in the process and so I give it limited weight in accordance with advice in Planning Policy Guidance Note 1 General Policy and Principles (PPG1, 1997).
- 5 I have also taken account of the Council's Planning Guidance Note 6 Vehicle Accesses on Classified Highways (August 2003), which sets out the standards that will apply in the consideration of proposals. Singlewell Road is listed as a Schedule 2 road, which relates to local distributor roads (Class C roads). No details have been provided as to whether this supplementary planning guidance has been prepared in accordance with advice in PPG12 Development Plans (1999), and so I give it limited weight.

Reasons

- 6 The appeal site is situated on the eastern side of Singlewell Road, within a predominantly residential area. Singlewell Road is a Class C road, subject to a 30-mph speed limit, that runs in a north/south direction to the south of the centre of Gravesend. The road slopes downhill from north to south and there is a traffic light junction with Old Road East about 120m to the north. There are parking restrictions in the road in front of the site that prohibit parking on the eastern side of the road between 08 00hrs and 18 30hrs on Mondays to Saturdays inclusive. Near the site, around the junctions with Park Road and Leigh Road, are double yellow lines that prohibit parking at all times.
- 7 The appeal property comprises the northern half of a pair of bay-fronted semi-detached houses. The front garden has a maximum depth of 4.6m, reducing to 4.1m due to the projection of the bay window. Excluding the path, the garden has a width of 6.8m. The front garden has been hard surfaced and at the time of my visit was in use for the parking of a single car. The car was parked at an oblique angle, in a similar position to that shown on the photographs that were submitted by the Council.
- 8 From my observations, Singlewell Road is a busy road. That view accords with a traffic count carried out in April 2000. There have been two personal injury accidents, one either side of the junction with Park Road, in the last 5 years. Parking is permitted on the western side of this section of the road, except around the junctions as set out above, and there were parked cars near the site at the time of my visit. The effect of this parking is to force traffic to use the carriageway close to the footway in front of the appeal site.
- 9 This proposal is to construct a vehicular access. A vehicle access was initially formed to this property in 1985, which resulted in the issue of an enforcement notice that took effect in May 1985. The current appellants sought planning permission for a vehicular access in 1986 (GR/96/973), permission being refused in February 1987 on grounds relating to highway safety and precedent.
- 10 The Council's Planning Guidance Note 6 requires that there should be a minimum depth of 5.0m available from the rear edge of the footway to ensure that a car can be parked wholly off the road. The Kent County Council's Vehicle Parking Standards recommend a depth of 5.5m, with the parking bay being provided at 90° to the back of the footway. This depth can be reduced to an absolute minimum of 4.8m. Pedestrian visibility splays of 2m by 2m are also required, containing no obstruction greater than 0.6m in height.
- 11 In this case the size of the parking bay is substandard. A car can only be parked on the site at an oblique angle, making any manoeuvring into or out from the site more difficult and therefore more hazardous to other drivers and to pedestrians. Pedestrian visibility splays to the required standard cannot be achieved within the site and I am concerned that the formation of a vehicular access would be likely to be harmful to highway safety and to the free flow of traffic on this classified road. This would be contrary to Policy T5 of the Local Plan, Policy T12 of the emerging Local Plan, advice in the Council's Planning Guidance Note 6 and in the County Council's Vehicle Parking Standards.

Conclusions

- 12 I have taken into account all the other matters raised in the written representations. I have taken account of the other vehicle accesses in the vicinity. The properties on the opposite

side of the road appear to have front gardens of greater depth where the Council's standards can be achieved. The only property I saw with a clearly sub-standard parking bay was at No 46, which I understand pre-dates the current requirements. I can fully understand the appellants' desire to provide parking within the curtilage of their property. However, it is evident to me that this can not safely be achieved due to the size of the garden. I consider that the safety of other road users is the main consideration in this case, and that this consideration outweighs the personal convenience of the appellants.

- 13 Overall, therefore, I conclude that the development would be likely to have an adverse effect on highway safety in the vicinity of the site. This would be contrary to the development plan, the emerging Local Plan, the Council's published advice and to the County Council's Standards. I conclude that the appeal should fail.

Formal Decision

- 14 I dismiss the appeal.

Information

- 15 A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Inspector