



Appeal Decision

Site visit made on 12 April 2010

by **Michael Ellison MA (Oxon)**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
21 April 2010

Appeal Ref: APP/K2230/A/09/2115782

12 and 14 Old Road West, Gravesend, DA11 0LJ

- 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 and Mrs Brown and Mr and Mrs Dalton against the decision of Gravesend Borough Council ("the Council").
- The joint application (Ref GR/20090499), dated 9 June 2009, was refused by notice dated 18 August 2009.
- The development proposed is the formation of a joint vehicular access on to a classified road and the laying out of a hardstanding to the front gardens of 12 and 14 Old Road West.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are the impact of the appeal development on the street scene of and on highway safety in Old Road West.

Reasons

Impact on the street scene of Old Road West

3. The appeal site dwellings are Victorian two storey, semi detached properties, located on the north side of Old Road West in the section of that road between Singlewell Road and Elmfield Close. They are not part of the same semi detached unit, number 12 being linked with number 10, and number 14 being linked with number 16. That stretch of the north side of Old Road West comprises seven pairs of semi detached houses, while on the south side of the road there is more of a mixture of detached and semi detached properties. All the houses are set back from the footway, with small front amenity areas, and all of them have much larger and more private amenity areas to the rear.
 4. The land in the area falls gently to the south, so the properties on the north side of Old Road West are somewhat higher than those on the south side. The front doors of the houses on the north side are above the level of the highway, and are approached either by sloping pathways or steps. The houses on the south side of the road are for the most part at highway level.
 5. The front gardens of some of the houses on the south side of Old Road West have been replaced by hardstandings to allow for off street parking of vehicles, so that there is now a mixture of garden areas and parking areas to be found in the properties on the south side of the road. On the north side, however, the houses retain their front garden areas, although at four out of the fourteen properties, there is sufficient space for garages to have been provided in the
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past within the house plot. These four properties therefore enjoy off street parking provision, but not at the cost of the loss of their front gardens.

6. There is no scope for garages to be provided within the plots of the appeal properties. The appeal proposal would therefore create a shared access and parking area for numbers 12 and 14 Old Road West, with the excavation and removal of most of their existing garden areas, the creation of an access with a width of 4m, and the lowering of the remaining boundary walls for 2m to either side to provide improved sight lines from the access opening. An area 5m deep and 12m across, shared between the two properties, would be turned into a hardstanding for vehicles. A new retaining wall would be built to the rear of this parking area. It would lie about 0.8m from the bay window of number 12, and almost 2m from the bay window of number 14. Little would therefore remain of the front garden areas of the two houses concerned, and the relatively consistent boundary treatment of the row of properties would be lost.
7. New development is required to be in keeping with its surroundings by saved Policy TC1 of the Gravesham Local Plan First Review (1994), which forms part of the Development Plan for the area. I consider that the walled and landscaped areas to the front of the properties on the north side of Old Road West provide a distinctive feature of the street scene of this part of the road. Although this feature is no longer mirrored at the houses on the south side of the road, to my mind it remains a feature worthy of protection. Given the pressure on parking space within the immediate area, if the approach proposed in the appeal application were to be allowed, it could lead to pressure for it to be followed at an uncertain number of the other properties on the north side of the road. The impact of the change at the appeal properties alone, even if there were no attempt to replicate it elsewhere on the north side of the road, would be much greater to my mind than the change which has taken place at the properties on the south side because of the need to excavate the gardens on the north in order to provide a level parking area without an unacceptable upward gradient from the road.
8. I conclude that the proposed development would damage the street scene of Old Road West, contrary to saved Policy TC1 of the Local Plan.

Impact on highway safety in Old Road West

9. Saved Local Plan Policy T5 indicates that the formation of new accesses to certain roads will not normally be permitted, except where no danger would arise. Old Road West is one of those roads. It is a classified road (B216), a two way, two lane highway with a carriageway width of around 7.5m. In the area of the appeal proposal, it is subject to a 30mph speed limit. All on street parking is prohibited between 0800 and 1830 on Mondays to Saturdays, but outside those times parking is allowed outside and to either side of the appeal properties.
10. In supplementary planning guidance on vehicular accesses adopted by the Council in 2003, advice is given that all applications for off street parking on classified roads such as Old Road West will be expected to provide space to allow for a vehicle to be turned within the site, which typically would require a minimum area of 7.5m width and 8m depth.

11. The Council accept that an attempt has been made in the appeal proposals to create an area which residents of each property could drive their vehicles into and out of in a forward direction, but, at 5m depth, the site would not be large enough to enable an average sized car to be turned off the road and readily turned around within the site, particularly if the other parking space was in use at the same time. I agree with the Council that the proposals would not deliver a situation in which vehicles could be turned within the site in order to ensure that they entered and left the site in a forward gear.
12. I accept that many of the houses in Old Road West with existing off street parking provision do not allow for turning within the site, however. Some of these will have had parking arrangements in place for many years, before the currency of the existing Development Plan. The Appellants also point out, however, that in a recent successful appeal regarding the provision of off street parking at 13 Old Road West, a property which lies almost opposite the appeal site (Ref: APP/K2230/A/ 08/2089364), the Inspector accepted that vehicles backing out of or into the off street parking spaces at properties along this stretch of the road must be a common occurrence.
13. In relation to traffic backing out of parking areas on the south side of the road, however, they are entering a flow of traffic from the east. The traffic lights at Singlewell Road are located only about 60m to the east and this means that there are frequently breaks in the flow of traffic, and that traffic is often travelling relatively slowly as it passes 13 Old Road West, having just left the traffic lights. On the north side of the road, vehicles leaving the appeal site would be backing into a flow of traffic last controlled at the Wrotham Road junction, some 200m away. There would be less likelihood of easy access to the road, particularly at busy times. Outside times at which parking restrictions apply, the view of drivers entering the flow of traffic would also be inhibited by parked vehicles on the highway, notwithstanding the good sight lines which are otherwise available from the appeal site.
14. From my own observations at the site visit, Old Road West is a busy road even outside the peak periods of traffic. Additional vehicles backing into the flow of traffic from the west must in my view increase to some extent the risk of accidents. In those circumstances, I cannot find that the appeal proposal would have a neutral effect on highway safety in Old Road West.
15. I conclude that the appeal proposal does not meet the requirements of Local Plan Policy T5 and the associated adopted supplementary planning guidance. In my view, for the reasons outlined in paragraph 13 above, the local circumstances which led to the allowing of the appeal at 13 Old Road West do not all apply in this case. I do not consider that there are material circumstances sufficient to displace the presumption in Section 38(6) of the Planning and Compulsory Purchase Act 2004 that the appeal should be determined in accordance with the provisions of the Development Plan. In my view, the appeal development would have an adverse impact on highway safety in Old Road West, contrary to saved Policy T5 of the Local Plan.

Other matters

16. The Council suggest that the excavation of the gardens of the two appeal properties to create the parking area might undermine the structural integrity of the two houses. This is a matter which would fall to be considered under the Building Regulations. It is not a matter which has had any bearing on my decision in the case. Nor has the concern of the Council that the use of the development would require the conclusion of cooperative arrangements between the adjoining property owners which would apply equally to any successors in title. I do not consider this to be an issue relevant to a land use planning decision.

Conclusion

17. I conclude that the proposed development would have an adverse impact on the street scene of Old Road West, and that it would also have an adverse impact on highway safety in the road. For those reasons the appeal is dismissed.

Michael Ellison

INSPECTOR