



Appeal Decision

Site visit made on 27 February 2002

by David Smith BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

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Date 21 MAR 2002

Appeal Ref: APP/K2230/A/01/1077158

14 Old Road West, Gravesend

- 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 S J Dalton against the decision of Gravesham Borough Council.
- The application (Ref. GR/20010489), dated 26 June 2001, was refused by notice dated 16 August 2001.
- The development proposed is to enlarge existing car access from 10' x 5½' to 18½' x 12' – (310cm x 170cm to 560cm x 370cm).

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider that the main issue is the effect on highway safety along Old Road West arising from the use of the proposal.

Planning Policy

2. The development plan comprises the Kent Structure Plan (SP) which was adopted in 1996 and the Gravesham Local Plan First Review (LP) adopted in 1994.
3. Within the SP, Policy T19 indicates that the construction of a new access or the increased use of an existing access onto the primary or secondary road network will not be permitted where an increased risk of accidents may result. This is reiterated by Policy T5 of the LP. Paragraph 12.10 of the LP clarifies that it is particularly important that the main highway network of primary, district and local distributors should remain free of new accesses.
4. The Gravesham Local Plan Second Review was placed on deposit in 2000. Although Policy T12 is consistent with the development plan I am unable to give full weight to it due to the position of this emerging Plan.
5. The Council produced Planning Guidance Note 6 (PG) on *Planning Policy for Vehicular Accesses to Classified Highways* in 1998. There is no evidence that this document was either adopted or was the subject of consultation. Accordingly I am unable to attach substantial weight to its contents. Reference is also made to *Kent Design* but I have no information about its status. I can therefore only attribute limited weight to its advice.

Reasons

6. Old Road West (B261) is designated as a district distributor route in the LP. The Council says that it is a heavily trafficked route which approaches its practical capacity at peak times. The road was busy on the afternoon I visited the site.

7. The appeal property is a semi-detached dwelling. There is a narrow crossover onto Old Road West and a very small hardstanding in the front garden. These works followed the grant of planning permission in 1973 relating to the parking of a disabled person's carriage. Permission was given on a personal basis and for a temporary period. According to the Council this access should have been stopped up in 1978 but the fact is that it remains.
8. I note that the appellant refers to his wish to make the area larger to take an average family car of today's size. The Council's survey of 1994 also confirms that the hardstanding is of insufficient size for vehicle parking. In my view, the dimensions of the parking area are so constricted in both width and length that vehicles would be unable to utilise it at present. Consequently the proposal would significantly increase the number of turning movements associated with the appeal property.
9. The proposal would enlarge the hard surfaced parking area and the width of the crossover. However, the space available is well below the turning areas illustrated in the PG and vehicles would therefore be unable to turn around within the site. As a result, reversing manoeuvres would occur onto and off of Old Road West. Paragraph 12.10 of the LP underlines that turning movements account for a significant proportion of accidents in urban areas. Given the volume of traffic along the B261 I consider that entering or leaving the site in reverse would be unsafe and lead to the risk of collisions. Furthermore, I anticipate that vehicles manoeuvring in the highway would disrupt the free flow of traffic.
10. I observed that the pavement on the northern side of Old Road West was well used by pedestrians. However, the existing wall along the eastern boundary of the appeal site would deprive emerging drivers of any view of people using this footway close to the proposed crossover. The wall would also prevent pedestrians from seeing vehicles preparing to exit. As both pedestrians and drivers would be unable to respond to the presence of the other I consider that the proposal would be a material threat to safety.
11. The appellant draws attention to similar accesses in the road. However, these are of a long-standing nature and their existence does not reduce the potential danger that would be caused by the proposal. The Council indicates that its policy in relation to new or modified accesses onto classified roads has existed for many years. I am also aware that a number of appeals have been unsuccessful, including previous proposals for the appeal site. The need for consistency therefore adds weight to my finding that this proposal is unacceptable.
12. I appreciate that the earlier permission meant that a vehicle could cross over the pavement onto the road and that the appellant feels that he is suffering discrimination for being able-bodied. However, it seems to me that in 1973 the Council would have balanced the personal circumstances of the then occupier against its concerns about safety. I consider that a decision taken in the past is insufficient reason to permit a hazardous proposal especially as PPG13: *Transport* places great emphasis on people being able to travel safely.
13. I conclude that the proposal would harm highway safety along Old Road West contrary to Policy T19 of the SP and Policy T5 of the LP.

Conclusions

14. For the reasons given above and having regard to all other matters raised, including the support expressed by a local resident, I conclude that the appeal should not succeed.

Formal Decision

15. In exercise of the powers transferred to me, I dismiss the appeal.

Information

16. 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 within 6 weeks from the date of this decision.

David Smith

INSPECTOR