



The Planning Inspectorate

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Your Ref 258.07/ORE/pls

Our Ref
T/APP/K2230/A/92/215138/P6

Date

- 4 MAR 93

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR R P T & MRS A T PANKHURST
APPLICATION NO: GR/92/177E

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Gravesham Borough Council to refuse planning permission in respect of an application for the erection of an extension at first floor to the rear of the property and the formation of a new crossover for vehicular access on land at Crantock House 22a Old Road East Gravesend. I have considered the written representations made by you and by the Council and also those made by interested persons. I inspected the site on 15 February 1993.

2. From my inspection of the site and its surroundings and my consideration of the written representations I judge that the main issues in this case are first the effect the proposal would have on the living conditions of occupants of neighbouring residential properties with particular regard to loss of light and outlook, and secondly, the implications that the proposed vehicular access would have for the safety of people using Old Road East (B261).

3. On the first issue, the appeal property is a detached two storey dwelling on the south side of Old Road East. There is an existing single storey flat roofed extension at the side and rear. The neighbouring residential property to the east is No 22b Old Road East. This property has two storeys at the front and three storeys at the rear and is about 2 m lower at the rear than the appeal site. The east flank wall of No 22b forms part of the common boundary with No 22a and its rear main wall is generally on line with the front main wall of that property. There is an electricity sub-station in the

rear garden of No 22b. It is set back some 9 m from the rear wall of the dwelling and has been constructed along the boundary with the appeal property.

4. The Borough of Gravesham Local Plan was statutorily adopted in 1987 and I give substantial weight to it in accordance with the advice contained in Planning Policy Guidance Note 1. The First Review of the Plan has not yet passed through all the statutory procedures leading to adoption but having regard to the stage which it has reached in the development plan process I consider that appreciable weight should be given to it in this case.

5. Policy H1 of the Local Plan seeks to resist new development which would be detrimental to amenity in residential areas. Policy TC1 seeks to ensure that the design of new development is appropriate for the area. It requires the design of any alteration or extension to respect the character and appearance of the existing building and safeguard the privacy and amenity of adjoining residents.

6. The proposed rear extension would be constructed over the existing single storey flat roofed extension. It would be about 8.5 m wide by 3.6 m deep and at its nearest point it would be some 0.7 m from the common boundary at the rear. Bearing in mind that the rear garden of No 22b is south facing and already below the ground level of the appeal property it seems to me that a rear extension of the height and size proposed would result in an unacceptable degree of overshadowing to this private amenity area.

7. There are windows at the rear of No 22b on the first and second floors which serve habitable rooms namely a lounge and bedroom. The lounge window is at first floor level since the slope of the ground means that the front of the house has been built higher than the back giving a basement level at the rear of the house. In my view due to the height of the building works proposed; the proximity to the boundary and the relationship with the adjoining dwelling the scheme would result in a material loss of light to these windows and significantly effect the outlook from these habitable rooms.

8. Whilst the neighbouring property may well have been uninhabited for the past two years I must nevertheless have regard to the long-term effects of the development. I conclude that the proposal would materially harm the living conditions of occupants of the neighbouring residential property contrary to the objectives of the Policies H1 and TC1.

9. On the second issue, there is at present only pedestrian access from the front garden of the appeal property to Old Road East. There is a private road at the rear which leads from Cross Lane East and gives vehicular access to a single garage at the bottom of the rear garden. My observations at the time of my site visit confirmed the Council's evidence

that the front garden and dwelling are at a lower level than the adjoining highway which is subject to a speed limit of 30 mph at this point.

10. The Local Plan states in Policy T5 that there will be a presumption against the formation of new accesses or the intensification of use of existing accesses to the roads forming the highway network shown on the Proposals Map, except where no danger would arise and where a properly formed access can be created in a location and to a standard acceptable to the Local Planning and Highway Authorities.

11. The Council has also issued a guidance note "Planning Policy for Vehicular Accesses to Classified Highways" and I have taken this supplementary planning guidance into account as a material consideration in this case. It provides that in considering applications for accesses onto District Distributor Routes the Council will have regard to a number of criteria including the provision of vehicular and pedestrian visibility splays to the full standard; the relationship with other accesses; the gradient of the access and the availability of alternative parking.

12. The classified Old Road East is designated as a District Distributor Road in the Local Plan. The Council considers that the proposed access is an unnecessary additional hazard to highway safety since the property is already served by a rear vehicular access. You state that the existing access is dark and dangerous. However it seems to me that the installation of security lighting could assist in alleviating this concern and the existing arrangement provides a satisfactory alternative means of vehicular access.

13. The sight line visibility from the proposed point of access to Old Road East at a 2.4 m 'x' set back distance would be about 50 m to the east and some 25 m to the west. Planning Policy Guidance:Highways Considerations in Development Control (PPG13) recommends sight line splays of 90 m in both directions at a 2.4 m 'x' set back distance where the speed limit on the major road is 30 mph. It also advises that whatever the type of access, good visibility is essential. Having regard to the sub-standard visibility that would be available at the point of access and the status of Old Road East as a District Distributor Road I conclude that the use of the proposed access would materially affect the safety of people using Old Road East contrary to the objectives of Policy T5.

14. You have drawn support from other houses in the road which have single driveways from which cars reverse out onto the street or park on the main highway. The Council acknowledges that the properties to the east of the appeal site having existing driveways to Old Road East. However I note that these properties generally do not have an alternative means of access and were built in the early 1950's before the current policy came into effect in the mid 1970's.

I do not therefore regard them as directly comparable to the appeal property. In any event since I have found that the use of the proposed access would be harmful to highway safety I do not regard this other development as a strong argument in this case.

15. I have taken account of the other matters raised in the written representations but I do not consider that there any which outweigh those planning considerations that have led me to my decision.

16. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



MRS C W HOARE LLB Solicitor
Inspector