



Appeal Decision

Site visit made on 1 April 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/K2230/D/24/3358170

Crantock House, 22A Old Road East, Gravesend, Kent, DA12 1NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Kainth against the decision of Gravesham Borough Council.
 - The application Ref is 20240530.
 - The development proposed is a hardstand driveway and a dropped kerb to create space for 1 car parking.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on highway safety, and on the character of the surrounding area. A further consideration is the appellant's needs for the proposed development.

Reasons

Highway safety

3. The proposed development would see a new access created at the front of the property onto Old Road East, with an area for off-street parking in front of the house. This is to the B261 classified highway, and the Council inform me there is a significant volume of traffic and records of past traffic collisions in the vicinity of the property. I saw at my site visit that traffic flow was high and there are a number of junctions in close proximity to the site. I concur with the Council that it is important that any access to the highway would require safe access and egress for vehicles.
4. The submitted drawings show that the proposed access would not have adequate visibility splays to ensure clear visibility westwards. The land that would be required to provide such splays lies outside the appellant's control. Due to the volume of traffic along Old Road East and the characteristics of that road with other junctions, I consider it important to ensure there would be adequate visibility for those entering and leaving the site, to ensure no harm to highway safety.
5. The lack of ability for vehicles to turn within the site mean that there would be reversing manoeuvres on or off the highway, which would heighten the harm to highway safety. My opinion on this matter is consistent with the observations of an Inspector who considered an appeal relating to the provision of a new access and off-street parking at the front of the property in March 1993 (ref.

APP/K2230/A/92/215138); I see no reason why there should be a relaxation now in the requirement to provide safe access.

6. In the absence of the ability to provide sufficient visibility splays the appellant states that mirrors and warning signage could be used, and says this is consistent with the Kent Design Guide. I have not been provided with any reference to demonstrate that such a publication condones this use and, in any event, on the basis of the deficiency in visibility at the site and the volume of traffic on Old Road East I am not persuaded this would be a safe alternative.
7. On the first issue I conclude there would be harm to highway safety. Saved Policy T5 of the Gravesham Local Plan First Review 1994 states that new accesses to classified roads will not normally be permitted, except where no danger would occur. Policy CS11 of the Gravesham Local Plan Core Strategy 2014 (CS) requires new development to mitigate their impact on the highway. The Council's Householder Extensions/Alterations Design Guide Supplementary Planning Document 2021 (SPD) requires adequate visibility splays to be provided for parking areas, with reference made to the Kent Design Guide. The National Planning Policy Framework states planning permission should be refused if there is an unacceptable impact on highway safety. The proposal does not satisfy these requirements and so would be contrary to the development plan and national planning policy.

Character of the area

8. The proposals will see part of the front garden area opened up to provide the parking space, with an area of hardstanding created and a retained area of garden. I saw that low boundary walls and garden areas behind are characteristic of this area, and contribute to a residential feel to the road in this part of the town. New planting on the site would not sufficiently mitigate the harm arising from the opening up of the frontage and the degree of hardstanding created.
9. Where there are openings to the road at other properties these are evidently historic, and in places lead to a detriment to the appearance of the area due to the parking that has been created. These examples therefore do not support the creation of a new area of hardstanding in the road.
10. On the second issue I conclude there would be harm to the character of the area. The general thrust of Policy CS19 of the CS is to ensure that development proposals conserve and enhance the local environment, and the SPD similarly requires all alterations to be well-designed and sympathetic to their surroundings. The Council's publication Front Driveway Design Guidance 2023 further seeks to ensure off-street parking and hardstanding is appropriately designed. The Framework also requires all development to be well-designed. The proposals would not be consistent with these policies.

Need for the development

11. I am informed the appellant and his wife have reduced mobility, and that the proposed parking area is to provide a more convenient parking space for occupiers of the house. I acknowledge this is a personal circumstance that is relevant to making the planning decision in this appeal.
12. There is an existing vehicular access to the rear of the property, which is taken via a shared private road. The Council state that the condition and dimensions of this

access road allow for realistic use by vehicles. I viewed this access at my site visit and I concur, as I saw vehicles on the road and the space appeared adequate for providing access. There is an existing garage and vehicular gates that provide direct access to the rear garden area.

13. I note that the parking area at the front would still require walking out onto the road and around to the front door. The Council has also drawn my attention to the parking space dimensions being lower than that which is typically sought as a space for those with disabled requirements.
14. I have not been provided with detailed evidence from the appellant to demonstrate that the existing access and parking arrangements are not feasible to be used, or why that cannot be adapted to their needs to provide reasonable access. It has also not been explained in detail why the proposals the subject of this appeal, with the requirement still to walk out from the site to the road, are clearly necessary compared to the existing (or altered) situation for access. I must balance the appellant's personal circumstances against other matters of acknowledged importance, as set out in the development plan and national planning policies as referred to above. I have found above that the proposals would be harmful to highway safety and the character of the area, and the personal circumstances do not outweigh the conflict with the development plan and the Framework.

Other considerations

15. The appellant has also referred me to rights under Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, which provides that everyone has the right to respect for their private and family life and their home. Article 8 is a qualified right and interference may be justified where that is lawful and in the public interest. The protection of highway safety and the character of the surrounding area is established in the development plan, and for the reasons given above I consider the interference with Article 8 is justified as it is in the public interest.
16. The appellant has also referred me in general terms to the Equality Act 2010. There is no clear indication that refusing permission for the proposed development would have a particular impact on persons with protected characteristics, and so I do not see that the Public Sector Equality Duty, as set out in s149 of the Equality Act, would be engaged. In any event, s19 of the Act provides that specified forms of discrimination are not unlawful if it is 'a proportionate means of achieving a legitimate aim'. Such a 'legitimate aim' may be set out in planning policy and legislation. My earlier conclusions have found the proposals would conflict with the development plan and I am therefore satisfied that refusal of permission is consistent with the legitimate aims as set out in relevant planning policy and in legislation.

Conclusion

17. For the reasons given the proposed development would conflict with the policies of the development plan and the Framework and there are no matters that outweigh this conflict. The appeal is therefore dismissed.

C J Leigh

INSPECTOR