



Appeal Decision

Site visit made on 15 November 2022

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/V2255/D/22/3297726

22 Chapel Street, Minster-on-Sea ME12 3QF

- 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 Miss Ellie Brown against the decision of Swale Borough Council.
 - The application Ref 21/506431/FULL, dated 15 December 2021, was refused by notice dated 23 March 2022.
 - The development proposed is the insertion of a drop kerb and creation of a front driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal on:
 - Highway safety; and
 - The character and appearance of the area.

Reasons

Highway safety

3. The appeal property is a mid-terrace dwelling with a modest front garden located within a residential area. The row of terraced dwellings, named 'Dennis Terrace', fronts onto Chapel Street and adjacent to the road junction with Baldwin Road.
4. Chapel Street is a straight, narrow, 'B' classified highway with two-way traffic which forms a main route through Minster on Sea and Eastchurch. A pedestrian footway is located on either side of the carriageway, and a grassed highway verge is situated between the pedestrian footway and front boundary of the appeal site.
5. In addition to the insertion of a drop kerb, the proposal would involve the creation of a driveway with two car parking spaces. Swale Borough Council Car Parking Standards Supplementary Planning Document (2020) (SPD) indicates car parking spaces should have a minimum length of 5 metres. There is disagreement between the parties regarding the depth of the front garden but agreement that the proposed parking spaces would fall short of the SPD's minimum standard. On the basis of the available evidence and my site visit observations, I consider that there is a realistic prospect that vehicles parked within the proposed parking spaces would overhang the front boundary of the

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site and encroach onto the highway verge. The verge is public land and the use of this land for private vehicle parking would inhibit future highway improvement, where a need for such works arises. I therefore consider that the front garden is of insufficient depth to accommodate the proposed car parking spaces. In coming to this view, I have taken into account that the vehicle that it is said would be using the space would only be 3.82 metres long and that minimum space requirements elsewhere may be less than in Swale.

6. At the time of my site visit, traffic along Chapel Street appeared frequent and relatively fast moving. On the appeal site side of Chapel Street, vehicles were parked along the road which inhibited the flow of traffic, requiring vehicles to move out into the adjacent carriageway to pass.
7. Whilst the proposal would reduce the demand for on-street parking from occupants of the appeal property, the presence of other vehicles parked on Chapel Street would obstruct visibility in both directions for drivers of vehicles entering or leaving the proposed driveway. In the absence of an on-site turning space, it would be necessary for vehicles to enter or exit the public highway in reverse gear.
8. The appellant's statement makes reference to the presence of a dropped kerb elsewhere within the terrace row. From my site visit, I observed that, within the terrace, No 18 has off-road parking accessed via a dropped kerb. No 18 occupies a larger, end of terrace plot. A driveway is located to the front and to the side of the single-storey rear projection and appears to provide greater depth of parking space than would be available at the appeal site. As such, the presence of the existing driveway and dropped kerb at No 18 has little bearing on my decision. Whilst the appellant's statement suggests the proposal would improve highway safety and alleviate parking problems by reducing the number of vehicles parking on the highway, as discussed above, the proposal would not provide a safe access for vehicles and therefore would not improve highway safety.
9. For the reasons set out above, I consider that the proposal would give rise to harm to highway safety, and as such would conflict with policy DM14 of "Bearing Fruits 2031" - The Swale Borough Local Plan (2017) (BF) which requires all development proposals to achieve safe vehicular access. In addition, the proposal would not satisfy the guidance contained in the Car Parking Standards SPD and would therefore conflict with BF Policy DM7 which requires development proposals, not just new property builds, to accord with the SPD's standards.

Character and appearance

10. A single row of paving slabs provides a path from the pedestrian footway to the front door. Whilst the adjoining dwellings have a low brick wall at the front of the plot, the appeal site has no front boundary treatment. A hedgerow runs along the left-hand boundary providing separation between the appeal site and the garden of adjoining dwelling No 20. The side boundary between the appeal site and No 24 is unenclosed.
11. Within Dennis Terrace and the architecturally similar row of terraces on the opposite side of the junction with Baldwin Road, dwellings generally have landscaped front gardens which make use of a range of 'hard' materials such as paving, brick weave and gravel. However, with the exception of No 18, these

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areas generally have the appearance of a garden and do not provide off-road parking and are therefore not directly comparable to the appeal proposal.

12. The Council's Supplementary Planning Guidance, "Designing an Extension – A Guide for Householder's" (SPG) indicates that excessive parking in the front garden can create a poor appearance in the street scene. The proposed driveway, consisting of two adjacent parking spaces, would occupy most of the front garden.
13. The appellant indicates that the appearance of the proposed parking area would be softened using artificial grass and planting. However, due to the modest size of the front garden, parked vehicles would appear visually dominant within the site and the altered appearance of the front garden would erode the sense of separation between the appeal property and the public highway which the garden provides. This would adversely impact upon the visual quality of the street scene. The size and style of the property, the lack of planting at several buildings in view of the site and the granting of any permissions for off-road parking elsewhere do not lead me to a different conclusion.
14. Consequently, I consider the proposal would harm to the character and appearance of the area. As such, it would conflict with BF policies CP4 and DM16, which together require development proposals to be of appropriate design and quality that responds positively to the character of the area, maintain or enhance the character of the street scene, and reinforce local distinctiveness and strengthen sense of place. In addition, the proposal would be contrary to BF Policy DM14 which requires proposals to accord with the SPG.

Conclusion

15. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR