



Appeal Decision

Site visit made on 19 January 2023

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/V2255/D/22/3308882

12 Keycol Hill, Bobbing ME9 8ND

- 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 Colin Knight, against the decision of Swale Borough Council.
 - The application Ref 22/501616/FULL, dated 13 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is described on the application form as "We would like to have a dropped kerb outside of 12 Keycol Hill with a driveway close to the house".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In reaching my decision on this appeal I must comply with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This indicates that in considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting.

Main issues

3. The main issues in this appeal are:
 - The effect on highway safety.
 - The effect on the streetscene and the setting of the adjacent Grade II Listed Buildings at 14 and 16 Keycol Hill.

Reasons

Highway safety

4. The appeal concerns a dwelling that is set back from Keycol Hill. It is proposed to create a dropped kerb onto the carriageway and a driveway into the front garden that would serve three parking spaces. Keycol Hill is classified as the A2 and is a Primary Distributor Route. The road carries a particularly high volume of traffic and at the time of my visit it was free flowing past the site.
5. The Highway Authority (HA) explains that in order to enable vehicles to move in and out of the parking spaces an access aisle 6m wide would be needed. However, the submitted drawing shows an aisle that would only be 3.45m

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wide. In consequence, it would be unlikely that drivers could manoeuvre their vehicles into the parking spaces. As a result, they would be likely to have to be parked in a position that required them to be reversed out onto the carriageway. Alternatively, it could give rise to cars being reversed into the driveway.

6. Reversing onto or off the A2 would be an inherently unsafe movement, resulting in an undue risk of collision with other vehicles and of causing accidents by distracting other motorists. This is especially so as it is usually significantly easier for drivers to control a vehicle moving forwards. It is also the case that vision looking out of the front windscreen tends to be considerably better, as there are generally blind spots to the rear which can make it difficult to see other vehicles and people.
7. The Appellant asserts that drivers would be able to obtain the necessary visibility when moving onto the A2. However, as the HA points out, the sightlines on the submitted drawing are incorrectly shown, as they should be taken from a point 2.4m back towards the drive measured from the point where the road meets the pavement. Moreover, the HA indicates that the necessary splays of 2.4m by 43m could not be achieved on land within the application site.
8. In consequence, there could be no certainty that any intervening obstructions to driver visibility, such as trees, could be removed. I also share the HA concern that the drive would inevitably be relatively steep because of the difference in ground levels between the front garden and the highway. There are no cross sections to demonstrate that an appropriate gradient could be achieved. These factors would unacceptably add to the hazards for motorists using the drive, especially when reversing. The adverse effects would occur despite the scheme being acceptable in relation to the distance from the roundabout to the east.
9. For these reasons it is concluded that the proposal would be unacceptably detrimental to highway safety. There would be conflict with Bearing Fruits 2031: The Swale Borough Local Plan (LP) July 2017, Policies DM 6 and DM 14. Taken together and, among other things, these seek to prevent new accesses directly onto Primary Distributor Routes and to achieve safe vehicular access.

Streetscene and Listed Buildings

10. There is an earth bank that rises above the level of the adjacent footway and extends past the appeal site for some distance to either side. This attractive feature is largely tree lined and covered with vegetation. There are sufficient gaps in the trees to the front of the adjacent Listed Buildings that they can fairly easily be seen from the street. Their prominence is enhanced by being noticeably closer to the road than the properties to either side. The visibility of the latter dwellings tends to be significantly limited by frontage vegetation and their set back from the road. As a result, they do not visually compete with the Listed Buildings, allowing the fairly attractive and simple vernacular style of the pair of properties to be readily appreciated.
11. In consequence, the bank is a natural feature that contributes positively to the streetscene and to the setting of the Listed Buildings. It gives a verdant semi-rural character to this part of the locality. The new driveway would be at the eastern side of the site and with the levels changes it is fairly clear that

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retaining walls would be needed. Regardless of whether any shrubs or trees needed to be removed to facilitate these works, the resultant drive and walls would be particularly unusual features in this part of the street on the northern side.

12. Rather than blending in, they would be unacceptably harsh and visually obtrusive in the context of the bank and be a somewhat suburban and incongruous presence. As well as matters such as the width of the drive, these factors would tend to draw attention to the new access in an especially prominent roadside position. Because of this it would unacceptably compete with the relatively nearby Listed Buildings, as well as detracting from the quality of their attractive roadside environment. This would be the case despite the re-use of excavated earth in raised planters.
13. For these reasons, the proposed development would harm the streetscene and the setting of the adjacent Listed Buildings which would not therefore be preserved. There would be conflict with LP Policies CP 4, DM 14 and DM 32. Taken together and, among other things, these seek to preserve the setting of Listed Buildings, conserve and enhance the natural environment taking account of the desirability of sustaining and enhancing the significance of heritage assets and promoting and reinforcing local distinctiveness.

Public benefits and balancing exercise

14. It is indicated in the National Planning Policy Framework (the Framework) that if the harm in relation to the heritage asset is less than substantial it should be weighed against the public benefits of the proposal, as set out in paragraph 202. Although less than substantial harm would occur in this case great weight should still be attached to it, as the Framework indicates in relation to the conservation of designated heritage assets.
15. Off-road car parking would be provided and the Appellant points out that his own and his son's vehicle have been damaged parking in the road. However, for the reasons given above, these facilities would put those using them and others passing by on the A2 at unacceptable risk of having an accident. In consequence, there would be no overall benefit from such provision. I also saw at my site visit that it is possible to park on Bobbing Hill nearby, where there is a considerably lesser volume of traffic than on the A2.
16. The Appellant explains the difficulties for users of mobility scooters, wheelchairs and the visually impaired in accessing the site. Nevertheless, it is not clear how such issues would be addressed by the Appeal scheme. At most, these matters can therefore only be afforded fairly minimal weight.
17. The Appellant refers to a nearby housing development where it is indicated that a number of trees, as well as shrubs and a bank, were removed and photographs have been provided. Nevertheless, this is not evidence of any benefit of the appeal scheme that could weigh against the harm arising in this case. In any event, I do not have the full background to it, including the Council's reasons for granting permission. This is not therefore a significant consideration in this appeal.
18. In consequence the above matters would be substantially outweighed by the harm to the heritage asset in terms of the Framework. Moreover, with respect to the overall balancing exercise, the harmful impact of the development in

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relation to highway safety, the streetscene and the setting of the Listed Buildings emphatically outweighs all the other considerations raised which, at most, attract fairly minimal weight.

Conclusion

19. Taking account of all other matters raised, it is therefore determined that the appeal fails. In reaching this decision I have had particular regard to the personal safety of the Appellant and his family. I have also carefully considered the submitted photographs.

M Evans

INSPECTOR