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## Appeal Decision

Site visit made on 11 December 2018

by **Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2018

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**Appeal Ref: APP/V2255/D/18/3210976**  
**26 Forbes Road, Faversham, Kent ME13 8QG**

- 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 Mrs Teresa Pitham against the decision of Swale Borough Council.
  - The application Ref: 18/502670/FULL dated 5 June 2018, was refused by notice dated 26 July 2018.
  - The development proposed is to allow pavement to be dropped to allow one car to park on drive.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is the effect of the proposal on highway safety along Forbes Road.

### Reasons

3. The appeal property is a semi-detached property in a predominantly residential area. Forbes Road, a classified road, is a busy road which leads towards the town centre of Faversham. The site lies opposite the junction of Forbes Road with Athelstan Road and close to the junction of Forbes Road with Aldred Road, with a pedestrian crossing just beyond, to the north. Daytime on-street parking restrictions apply along the road. The front garden area is already hard paved, and the proposal is for a dropped kerb to allow a car to be parked in the front garden area.
4. I have no reason to question the ability of the Appellant to turn her vehicle within the front garden area to ensure that access and egress from the parking space would be in forward gear, although I understand the front garden area to be less than the dimensions considered necessary by the Highway Authority to enable such manoeuvres to be undertaken clear of the highway. However, the permission if granted, would endure for future occupiers and would therefore be capable of being used by a wide range of car sizes as well as by more than one car at the same time. It would not be possible and enforceable to restrict the parking to one car only and only of certain dimensions.
5. Given the busy nature of the road, and the proximity of junctions of side roads to the appeal property, as well as the pedestrian crossing, I am concerned that

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the accessing or egressing of a car from the appeal property, particularly if reversing in or out, would be a further factor that would contribute to the potential for conflicting movements at this point along Forbes Road. I have taken into account the visibility in both directions, but I agree with the Council that the proposal would lead to increased hazards for other highway users already driving along or seeking to join Forbes Road from one of the side roads, and pedestrians using the footway or pedestrian crossing. The increased hazards would be unacceptable in highway safety terms.

6. I therefore conclude that the proposal would be a hazard to highway safety along this part of Forbes Road. This would conflict with Policies DM6 and DM14 of the adopted Swale Borough Local Plan: Bearing Fruits 2031, as well as the National Planning Policy Framework, all of which, amongst other things, seek safe vehicular access to avoid unacceptable impacts on highway safety.
7. I have sympathy with the family related reasons for seeking the off-street parking space, but they do not outweigh the harm I have concluded to highway safety. I also understand the concern that the Highway Authority appear to have changed its views on the proposal, but my assessment is on the planning merits of the proposal on the basis of all the information before me as well as my site visit.
8. I have been made aware of and have taken into account other off-street parking in the vicinity, as well as an appeal decision refusing permission for a dropped kerb at No 28 Forbes Road (APP/V2255/A/08/2081067). Each proposal must be judged on its individual merits and the presence of a small number of other examples of dropped kerbs does not persuade me that permission should be granted, given the harm I have concluded from the proposal before me.
9. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

*L J Evans*

INSPECTOR