Development Control – Delegated Officer Report

Application Number: AWDM/0523/19 Recommendation – APPROVE

Site: 108 First Avenue, Lancing, BN15 9DT

Proposal: Proposed vehicular access.

Date of site visit: 22.08.2019

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The property is two storey middle of terrace dwelling, with the existing front garden being mainly paved over with a small strip of garden land to one side. There is no front boundary enclosure; a brick wall approx.. 1m high to no. 110; and a fence, approx. 1.3m high to no. 106.

Between the site and the road is a paved pavement is a grass verge, and there appears to be no parking restrictions on the highway at the front of the house.

Many properties, including the neighbouring dwelling at no. 106 have existing vehicular accesses gained to their properties.

Proposal

The proposal seeks permission to provide a vehicular access to the property by way of a dropped kerb off of the highway, First Avenue.

Planning History*:* None

Representations: Letter of objection from 110 First Avenue

- The plans indicate that the driveway would cross over the front of our property
- There is a public drain to the front of our property which is prone to flooding and the proposal would exacerbate this problem
- The development would further reduce the amount of green verges in First Avenue
- Several crossovers already
- Some of the crossovers cause puddles of standing water across the pavement

Consultation Responses:
WSCC Highways:

Proposal Summary

The proposal is for the installation of a Vehicle Crossover (VCO) and Drive. The site is located on and accessed via First Avenue which is an unclassified road subject to a 30 mph Speed limit.

Access
The applicant has demonstrated in accordance with WSCC standards a VCO of 5.4metres.

Vehicle Parking, Turning and Cycle Parking
Typically, bay parking spaces should measure 2.4 x 4.8 metres as per Manual for Streets guidance. The parking space demonstrated within this application is slightly shorter at 4.6 x 4.68 metres. However; a Highways objection on this basis could only be formulated if it resulted in an unacceptable impact on highways safety or the residual accumulative impacts were considered severe as per Paragraph 109 of the NPPF.

Any vehicle parked overhanging the footway could be dealt with as an offence under Section 22 Road Traffic Act 1988 –(leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police. There are also some links to the Highways Act 1835 (section 32), Town Police Clauses Act 1837 (section 28) and the Road Vehicle (Construction and Use) Regulations 1986 (SI 1986/1038), which have been used successfully in proceedings brought about against drivers parking on footways.

A license to construct the vehicular crossover would need to be obtained from the Local Area Engineer. It should be noted that as part of the licence application process the depth of hardstanding would be assessed and in this instance would be contrary to the Area Engineer working practices and thus unlikely to be granted.

A turn on site would be preferred, though there is insufficient space to achieve this. However other properties have similar arrangements. Balanced against this is the benefit of providing an opportunity to remove a vehicle that would otherwise be parked on the highway. Where the existing practice is on-street parking by residents of adjoining properties, this can result in a noticeable narrowing of the existing available carriageway, a benefit.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Access
The use of the parking area shall not commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of road safety.

Informative
Vehicle Crossover – Minor Highway Works
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/

Online applications can be made at the link below, alternatively please call 01243 642105.

https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/

Relevant Planning Policies

Adur Local Plan: Policy 15
DM Standard No.2 SPG - Extensions and alterations to dwellings
Planning Policy Framework (2019)
National Planning Practice Guidance

Planning Assessment

The proposal is acceptable in principle, subject to its effect on the visual and residential amenity of the neighbouring properties and the character of the street scene in general.

Visual Amenity

There are many vehicular accesses within the street, thereby the addition of a further crossover will not be out of keeping with the visual character of the area.

It is a fact that the provision of the drive from the crossover to the site will result in a loss of the grass verge, but WSCC Highways consider that it is a benefit with removing a parked car from the road, and indeed raise no highway objection to the proposal.

With regard to the loss of the verge affecting the visual amenities of the street, it is considered that whilst regrettable, this loss would not result in a materially detrimental effect onto the character and appearance of the street scene.

Further, WSCC Highways note that there is insufficient depth to the frontage of the site which would allow a standard parking space of 4.8m depth to be achieved, and that a license to construct the vehicular crossover would need to be obtained from the Local Area Engineer, and that it should be noted that as part of the licence application process, the depth of the hardstanding would be assessed and in this instance would be contrary to the Area Engineer working practices and thus unlikely to be granted. This may be the case, but it is not material in the determination of this planning application. Consideration in this case is limited to the visual impact on the character and appearance of the area and whether the 'dropped kerb' i.e. the means of access to a highway, will result in unacceptable harm to the locality or a risk to highway safety. The existing hardsurface within the front garden has been constructed as permitted development. It is considered that there will be no material harm from the provision of the dropped kerb.

A neighbour has raised other points which have not been covered above, such as the driveway would cross over the front of their property; there is an existing public drain to the front of their property which is prone to flooding; and that some of the crossovers cause puddles of standing water across the pavement. None of these matters are material in the consideration of this planning application for a dropped kerb, i.e. a means of access. With regard to the pavement flooding and puddles, it is suggested that the author contacts WSCC Highways to discuss, as this is within their domain. It is noted that the existing hardsurface within the front garden has a drainage strip on the boundary with the pavement and a planting strip has been retained on one side.

Residential Amenity

The hardsurfaced area to the front of the property must be made of porous materials, or provision is made to direct run-off water from the hardsurface to a permeable or porous area or surface within the curtilage of the dwellinghouse and not to discharge outside of the site.

The plan submitted with the application indicates that there will be a drain across the site frontage that will draw water to the flower bed and that there is also pea shingle drainage to the side of the site.

It is thereby concluded, that there will be no loss of residential amenity by the discharging of surface water off of the site onto the public footway.

Recommendation APPROVE, subject to the following conditions

1. Approved plans
2. Standard time limit
3. Highway Access

Is recommendation contrary to letter(s) of representation? N

1. Approved without amendment
2. Minor Highway works

Case Officer: Eve Hearsey Date: 04.10.2019

Authorised by: Peter Barnett Date: 4 October 2019