



Appeal Decision

Site visit made on 18 December 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/X1735/D/24/3353577

13 London Road, Waterloooville, PO7 7AL

- 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 Craig against the decision of Havant Borough Council.
 - The application Ref is APP/24/00434.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

Highway and pedestrian safety

3. The appeal property is a mid-terraced house set back with frontage space and a wide footway to the busy London Road. It has a large shared driveway with No 15 and a low front boundary wall. The local parking arrangement is unusual in that parking bays are marked out on parts of the footway. The kerbing is also unusual, on this stretch it is not flush with the road surface but rather has a 45mm measurement. Effectively this means that cars have to 'bump-up' between road surface and the footway / driveway height. The proposal is to lower the kerb to allow for a 'smooth-run' between road and property.
 4. The explanation by the Council for this unusual kerbing as installed is that it has been designed to minimise the speed in which vehicles enter the footway area to park within the marked bays and access driveways. The Appellant argues that it is both inconvenient and less safe than a traditional level approach.
 5. I observed that the situation here is, as I mention above, not the norm in that pavement is shared by pedestrians and vehicles due to the parking bays on the footway. Matters are further complicated by there also being a bus lane which vehicles must cross when entering and exiting the parking bays and driveways within this section of highway.
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6. In these circumstances I can entirely see why the Council reached the decision to install a 45mm kerb because I recognise that this design feature would minimise the speed in which vehicles enter the footway area to park within the marked bays and access driveways in this location. This must assist with overall safety in my opinion. I would add that the incorporated drainage system within and along this 45mm kerbing should also alleviate some risk of standing water on the carriageway; a phenomenon that would be counter to any aim to maximise safety for all involved.
7. My assessment is that removal of the 45mm system to provide a full dropped kerb would increase the speed in which vehicles could enter the footway at the risk to pedestrian safety. This access could be for the applicable driveway but would also likely be misused by others to access the on-footway parking bays allowing them to enter at a greater speed. This would all be to the detriment of pedestrian safety. Furthermore, I feel it would be a retrograde step in safety terms to increase the likelihood of standing water on the road.
8. Policy DM11 of the Havant Borough Local Plan (Core Strategy) 2011 seeks to achieve safe and secure vehicular and cycle parking and turning facilities to adopted standards. I conclude that the appeal proposal would run contrary to this policy.

Other matters

9. I understand the difficulty-of-manoeuve argument put by the Appellant, the sense of unsafe positioning, and the apparent issues with a small car in relation to this raised kerbing arrangement. However, in the bigger picture, I am satisfied that the wider safety case put by the Council is a fair one which deserves over-arching weight. I note the Appellant's references to lower kerbs at 21-27 London Road but circumstances here are different as these properties are beyond the footway parking bays section of the road. I did not observe any fully lowered kerbs within the relevant stretch of road which includes the Appellant's property. Having carefully considered these and all points raised by the Appellant I conclude that the matters do not outweigh the concerns which I have in relation to the main issue identified above.
10. The National Planning Policy Framework has been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on highway and pedestrian safety. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR