

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3021	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Proposal to remove of front boundary wall and lower kerb in front of property and create driveway in front garden.		
Site:	9 Moat Road, East Grinstead, West Sussex, RH19 3JZ, , , ,		
Validation Date	17 Dec 2024	Overall Expiry Date:	10 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Feb 2025
Target Date:	11 Feb 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	11 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3021

**9 Moat Road, East Grinstead, West Sussex, RH19 3JZ, , ,
Proposal to remove of front boundary wall and lower kerb in front of property and create
driveway in front garden.
Mr Muhammed Aslam**

REPRESENTATION RECEIVED

None received.

SUMMARY OF CONSULTEES

WSCC Highways

This proposal is to remove of front boundary wall and lower kerb in front of property and create driveway in front garden. The site is located on Moat Road, an A-classified road subject to a speed restriction of 30 mph.

From inspection of the plans, there are no apparent visibility concerns with the proposed point of access on to Moat Road. The proposed access works will be subject to a licence obtained through the local Highway Area Office and constructed to a specification agreed with the local Highway Area Engineer.

I note that under current Area Office guidance for Vehicle Crossovers (VCOs), licences are only granted for accesses with hardstanding depths of at least 4.8m. The submitted plans demonstrate a hardstanding depth of 4.01m, which is too small to accommodate a parking space of 2.4m x 4.8m. Therefore, the applicant should be advised that a licence for the proposed access works is unlikely to be granted.

VCOs have been permitted in the past which are less than the current minimum of 4.8m. Unfortunately, in some instances this has led to potential issues with cars overhanging pavements and vehicles undertaking several manoeuvres across a pavement to access a hardstanding. To ensure this does not occur again, the Highway Area Office no longer permit any VCOs with less than 4.8m hardstanding depth.

I also note that under Area Office guidance, crossovers should not exceed an absolute maximum of 6.4m. The access as proposed has a width of 6.5m; therefore, it is unlikely to be granted a licence and thus unimplementable.

To conclude, 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 116), and that there are no transport grounds to resist the proposal at planning stage. However, as mentioned above, the proposals are contrary to Highway Area Office guidance and as such, is likely to be refused a licence and therefore not implementable. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

If the LPA are minded to approve the application, the following informative should be applied:

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

because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page: <http://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways-licence/>

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission for the removal of the front boundary wall, drop the kerb and create a driveway to the front of the dwelling.

RELEVANT PLANNING HISTORY

GR/282/84 - Vehicle Access. Refused
GR/002/86 - Vehicle Access. Permission

SITE AND SURROUNDINGS

The application property is a semi detached two storey dwelling located on the east side of Moat Road, a classified A road. The application site is located within the built-up area boundary of East Grinstead.

The application property has a pitched roof and is constructed from brick with plain roof tiles and a mixture of white and cream colour fenestration. The dwelling is set back from the highway soft landscaping. The locality is characterised by detached and semi detached dwellings of varying form scale and design. To the east of the site is King Georges Field.

APPLICATION DETAILS

The application seeks planning permission for the removal of the front boundary wall, to extend the dropped kerb in front of the application property and to create driveway to the front. The driveway will be a permeable concrete block covering an area of approximately 4.0 metres in depth and width of 6.50 metres. The dropped kerb is to extend approximately 6.5 metres along the front of the property.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and East Grinstead Neighbourhood Plan

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP21 - Transport
DP26 - Character and Design

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

EG3 - Promoting Good Design

EG12 - Car Parking

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan

Relevant Policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPT4 - Parking and Electric Vehicle Charging Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

Paragraphs 8, 11, 131 and 135 are considered to be relevant.

National Planning Policy Guidance

Ministerial Statement and Design Guide

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- Design and Character
- Impact on neighbouring properties
- Highway Safety
- Biodiversity Net Gain

Design and Character

Policy DP26 of the Mid Sussex District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
 - *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
 - *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
 - *protects open spaces, trees and gardens that contribute to the character of the area;*
 - *protects valued townscapes and the separate identity and character of towns and villages;*
 - *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
 - *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
 - *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
 - *positively addresses sustainability considerations in the layout and the building design;*
 - *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development."*

Also relevant in the determination of the application is Policy EG3 of the East Grinstead Neighbourhood Plan, which states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) *The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) *The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) *The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) *The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) *New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) *The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) *Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Dropped kerbs serving a driveway are widespread within the streetscene. The proposed permeable block paving will be similar in scale to other hardstanding driveways in the area. Therefore, the proposed works is not considered to cause harm to the visual amenity of the streetscene and character of the area. Therefore, the application is considered to comply with policy DP26 of the Mid Sussex District Plan and policy EG3 of the East Grinstead Neighbourhood Plan.

Impact on neighbouring properties

DP26 of the Mid Sussex District Plan seeks to ensure that development '*does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*'

The proposed works are to the front of the application site, modest in their nature and there are other dropped kerbs and off-street parking areas within the locality. As such the proposal is not considered to cause significant harm to the amenities of nearby residents taking account of loss of outlook, overlooking, loss of privacy and reduction in sunlight and daylight and air, light and noise pollution. The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan.

Highway Safety

Policy DP21 in part states:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'

Furthermore, Policy EG12 of the East Grinstead Neighbourhood Plan in part states:

'Planning permission will only be granted where vehicle-parking provision, including cycle parking, is in accordance with West Sussex County Council adopted parking standards and it does not dominate the street scene..'

The applicant has confirmed the property has 2 bedrooms. West Sussex County Council September 2020 Parking Guidance, outlines that for a 2 bedroom dwelling in Parking Behaviour Zone 3 is 1.3 off-street parking spaces.

Currently the dwelling has 0 parking spaces. The proposed works would not create a parking space that meets the parking standards creating a space with a length of just 4.0 metres.

WSCC Highways do not consider the proposal to have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. However they consider the application to be contrary Highway Area Office guidance and is therefore unlikely to grant a license for the dropped kerb. An informative can be added that granting of planning permission does not guarantee the permission of a license to drop the kerb.

Given that there is no loss of parking or unacceptable harm to highway safety, it is not considered that the application can be refused on these grounds.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, due to the scale, position and nature of the proposal it would be in keeping with the character of the area, it would not cause significant harm on the amenities of nearby residents, it would protect the safety of road users. Therefore, the proposal complies with policies DP21 and DP26 of the Mid Sussex District Plan, policies EG3 and EG12 of the East Grinstead Neighbourhood Plan and with

the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies