
Appeal Decision

Site visit made on 5 December 2016

by Graham M Garnham BA BPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2016

Appeal Ref: APP/B5480/D/16/3159453
50 Eastern Avenue East, Romford, RM1 4DR

- 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 Sharon Robinson against the decision of London Borough of Havering Council.
 - The application Ref P0532.16, dated 5 April 2016, was refused by notice dated 15 July 2016.
 - The development proposed is creation of drop kerb for vehicle crossing.
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Decision

1. The appeal is allowed and planning permission is granted for creation of a drop kerb for vehicle crossing at 50 Eastern Avenue East, Romford, RM1 4DR in accordance with the terms of the application Ref P0532.16, dated 5 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale Ordnance Survey location plan and 1:50 scale site plan.
 - 3) Details of the proposed alterations to the public highway shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is begun. Development shall be carried out in accordance with the approved details.

Main Issue

2. I consider that this is the effect of the proposal on pedestrian safety and the safety and free flow of traffic on the A12.

Reasons

3. A similar proposal was given planning permission on appeal in a decision dated 28 August 2002 (ref APP/B5480/A/02/1085930). Apparently the vehicular access thereby approved was not implemented, and the permission has lapsed.
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4. The appeal property is in a terrace of houses fronting the west bound carriageway of the A12. The road is well lit and has a speed limit of 50 mph. It is generally busy, but traffic tends to come in pulses interspersed with lulls. These are likely to be caused by traffic signals at the next junction to the east. There is a wide hard-surfaced verge and a footway between the property and the carriageway. I observed few signs of pedestrian activity on the footway. A high fence along the central reservation should discourage injudicious attempts by pedestrians to cross the carriageway in the vicinity of the site.
5. All the properties I observed to the west of the appeal site have well established drop kerbs giving access to paved-over front gardens, as do many of those to the east. Both houses to either side have such a facility. The limited size of these front curtilages means that some form of reversing manoeuvres, either from or onto the carriageway, are likely to be common place. There is good visibility towards and from oncoming traffic (to the east), and beyond the site to the west. So far as I could tell from the Ordnance Survey site location plan, neither the appeal site nor other properties in the vicinity have any other means of parking a vehicle off the carriageway. The previous Inspector recorded that the A12 is a red route clearway, where on-street parking would not be desirable. The information before me does not confirm this designation, but I agree that on-street parking here would impede the free flow of traffic and prejudice highway safety.
6. In the matters set out in the previous paragraphs, I find the situation is materially very much the same as it was described in the previous appeal decision. Thus that decision is a matter to which I accord considerable weight.
7. The Council acknowledges the previous appeal decision. It counters that legislation and guidance has changed since then, and that it has assessed the proposal in line with current guidelines and legislation. However, the only point of reference given is Policy DC32 in the Havering Core Strategy and Development Control Policies Development Plan Document (2008). This says that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed. This does not seem to be different in intention from the older development plan policies referred to by the previous Inspector. In any event, no substantive evidence has been presented that either the situation or the policy context has changed significantly since 2002.
8. The appeal site already has a hard-surfaced front garden. Installing a drop kerb would regularise the use of this space for parking on the only place controlled by the occupiers of this house. There are numerous vehicle accesses along this stretch of the A12, all to front forecourts of similar size. I have been given no evidence of accidents arising from them. I consider that existing highway users (drivers and pedestrians) would be well aware of the likelihood of, and have clear visibility of, vehicle manoeuvres into and off the appeal site.
9. Concern has also been raised about the possible need to relocate a telegraph pole outside the appeal site. If this would indeed be essential, it would be a matter for the appellant and the appropriate authority to resolve.
10. I have not found any planning grounds to dismiss the appeal. It is necessary to impose a condition specifying the relevant drawings as this provides certainty. In addition, in the interests of highway safety and a satisfactory

appearance, details of the proposed alterations to the public highway should be submitted for approval before work begins. However, a condition requiring a highways agreement, notice or license to be entered into is not necessary, as this would be subject to other legislation.

11. I conclude that the proposal would not materially harm pedestrian safety or the safety and free flow of traffic on the A12. There would be no conflict with development plan Policy DC32.
12. There is therefore no reason to withhold planning permission and I allow the appeal.

G Garnham

INSPECTOR