

Appeal Decision

Site visit made on 5 April 2017

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 11th April 2017

Appeal Ref: APP/G5180/D/17/3169279

269 Upper Elmers End Road, Beckenham, BR3 3QR.

- 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 Ms Kelly Kohut against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/04288/FULL6 dated 12 September 2016, was refused by notice dated 7 November 2016.
 - The development proposed is described as installation of new vehicular crossover and hard paving on part of the front garden. This will involve creating an opening for a vehicle to enter, but keeping as much of the existing hedgerow planting and brickwork as possible, in order to ensure the works are in character with the surrounding area and not detrimental to the visual amenities of the street scene generally. As shown in the location plan, we have an exceptionally wide frontage to the property. This will enable vehicles to enter and leave the site in forward direction, in the interests of pedestrian and vehicular safety (in accordance with Policies T3 and T18 of the Unitary Development Plan). Equally, it will ensure that the free flow of traffic is not prejudiced and conditions of general safety along the adjoining highway are maintained. Surface water from private land will not discharge onto the highway due to appropriate drainage being installed. An Aco drain will be installed along the length of the modular block paving (at the front of the house), and there will also be a slight camber to each side to allow some rainwater to drain naturally into the borders on our property. No loose materials shall be used for the parking and turning area. There are no trees or street furniture on the pavement in front of our property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the scheme on the free flow of traffic and highway safety.

Reasons

3. Upper Elmers End Road is a London distributor road, where residents have access to a variety of on and/or off street parking spaces. The Appeal property currently has no vehicle crossover at the front, although there is a narrow vehicle access drive to the rear of the dwelling. The Appeal site is located on the inside of a bend in the road, which reduces forward visibility along the road. At the same time the front boundary walls and hedges of the adjacent
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dwelling would restrict visibility from the proposed access point, even if the front wall and hedge within the Appeal site were materially lowered. Drivers of vehicles reversing out of the proposed parking space would have very poor visibility along Upper Elmers End Road.

4. Whilst the Appellant has stated that vehicles would be able to turn within the proposed driveway no turning circles have been submitted to demonstrate how practical this would be, having regard to the size constraints of the proposed driveway and the location and width of the proposed access point. In the absence of acceptable on-site turning details the Appellant has failed to demonstrate that the proposal would not have a materially adverse impact on the free flow of traffic and both vehicular and pedestrian highway safety.
5. In addition to this the Appellant has not stated why the existing vehicular access to the rear of the property could not be used and an electric charging point provided there. In dealing with new vehicle accesses policy T11 of the London Borough of Bromley Unitary Development Plan (UDP) states that limited access will be permitted off London distributor roads where there is no suitable alternative. The National Planning Policy Framework (NPPF) states that pursuing sustainable development involves pursuing improvements in the built environment, as well as in peoples' quality of life, including travel. Development should function well and add to the overall quality of the area.
6. Finally, it is noted that the proposed access would generate few traffic movements each day, that there have been no recorded accidents in the vicinity relating to the use of domestic crossovers and there are other driveways in the vicinity without on-site turning facilities. However, having regard to the poor visibility for drivers reversing out of the driveway, coupled with the limited forward visibility of the proposed driveway by approaching motorists these factors fail to outweigh the adverse impact the proposal would have on highway safety. This harm would also outweigh the benefits for the Appellant and her family that would result from the provision of on-site parking and is not a matter that could be adequately dealt with by condition.
7. I conclude that the proposed crossover and parking/turning area would have a materially adverse and unacceptable impact on the free flow of traffic and highway safety. It would therefore conflict with policy T11 of the UDP and the social role of sustainable development as set out in the NPPF.

Elizabeth Lawrence

INSPECTOR