

Appeal Decision

Site visit made on 18 July 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 24th July 2017

Appeal Ref: APP/G5180/D/17/3175326

34 Wickham Court Road, West Wickham BR4 9LW

- 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 Mr Alun Lewis against the decision of the London Borough of Bromley Council.
 - The application Ref DC/17/00033/FULL6, dated 3 January 2017, was refused by notice dated 15 March 2017.
 - The development proposed is for a vehicle crossover.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicle crossover at 34 Wickham Court Road, West Wickham BR4 9LW, in accordance with the terms of the application Ref. Ref DC/17/00033/FULL6, dated 3 January 2017 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 approved plans: Existing Site Plan and Plan A.
 3. The materials to be used in the construction of the proposed vehicle crossover shall match those used on the existing driveway and footway.

Main Issue

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

Reasons

3. The proposal is to create an in-out drive to serve an existing dwelling that fronts onto a straight section of Wickham Court Road where there is good visibility in both directions and the carriageway is of a reasonable width.
4. The Local Highway Authority classifies Wickham Court Road as a local distributor road and state that the proposal is contrary to Policy T11 of the London Borough of Bromley Unitary Development Plan July 2006 (UDP). This policy states that when considering proposals for the erection of a new access, the Council will, subject to road safety requirements, apply a number of principles; of relevance to this proposal and with regard to local distributor roads, it highlights that access will normally be permitted where there is no

suitable alternative. Therefore it does not object to the principle of an access on such a road.

5. Whilst I acknowledge that the existing driveway provides enough space to enable a vehicle to enter and exit the site in a forward gear, the appellant highlights that this is not possible when more than one car is parked on the driveway. Whilst I was not in a position to verify this on my site visit, nonetheless, I consider that in the event that a second vehicle had to reverse out into the highway through the existing access point, it could give rise to a temporary obstruction in the highway, and therefore conflict with other road users.
6. The proposal before me does not seek to intensify the use of the appeal site, therefore there would be no material increase in the number of vehicle movements flowing to and from the site. Whilst I note that the site has been the subject of a previous refusal under planning Ref 97/02330/FUL for the formation of a vehicular access, I have not been provided with the details of this case; or the policy context within which that decision was made.
7. I consider that it has not been substantiated that the new access would create a safety hazard or, indeed, interfere with the free flow of traffic along the road. Consequently, I find that the proposal would not give rise to harm to highway safety, neither would it conflict with UDP Policy T11 or Policy T18 which requires the Council to consider, as appropriate, the potential impact on road safety and to ensure road safety is not adversely affected.

Conclusion and Conditions

8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.
9. In addition to the standard time limit condition, the Council has suggested a condition requiring external materials to be used in the construction of the proposal to match those existing, such a condition, along with one requiring that the development is carried out in accordance with the approved plans is necessary in the interests of the character and appearance of the area.

C J Tivey

INSPECTOR