



Appeal Decision

Site visit made on 21 February 2018

by S Jones MA DipLP

an Inspector appointed by the Secretary of State

Decision date: 28th February 2018

Appeal Ref: APP/D5120/X/17/3181850 3 Dartford Road, Bexley DA5 2BH

- 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 Balraj Singh Bhinder against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00600/FUL, dated 4 April 2017, was refused by notice dated 20 June 2017.
 - The development proposed is change of use from Beauty Salon to Fish and Chip Shop. Proposed parking at the backyard to the shop so it will not effect the main road flooding. We are going to install Extract Flues for the odor on the rear elevation. New shopfront.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on parking and highway safety.

Reasons

3. The appeal site forms part of a small parade of shops along Dartford Road, Bexley close to the junction with Baldwyns Park road. The shop units are in mixed use, and the surrounding area is characterised by large suburban detached properties. The A2018 Dartford Road is a busy main route with parking restrictions, a bus stop, and double yellow lines outside the appeal site.
4. The proposal is to change the use to a fish and chip restaurant, with extractor flues and a new shopfront, for customers to consume food on the premises or take it away. The proposal would generally open from 10am to 10pm. There would be onsite parking provided for 3 vehicles to the rear of the appeal site. However, the appellant also states that there would be 3 employees and that one space would be required for delivery. It is not clear if this refers to deliveries to the premises or food takeaway delivery. It would increase the demand on the rear parking spaces.
5. As shown on Plan A04 there would be no direct access from the rear car park to the shop because the restaurant kitchens would be to the rear. As a consequence customers using any available parking to the rear would then walk round all the parade of shops before gaining entry to the development. In

my view, this would discourage use of the rear parking spaces by customers. Moreover, as illustrated on Plan A04 there would be customer tables and seating for roughly 10 people. Consequently customers eating in would be onsite for a longer period of time, increasing the pressure on the limited available parking to the rear.

6. On that basis I am not satisfied that the rear car parking would be adequate to address concerns regarding parking demand generated by the development. The objection expressed by the Highway Authority is that inadequate parking at the premises would cause overspill onto the main Dartford Road, with resultant hazardous parking and an adverse effect on traffic congestion and highway safety in the vicinity of the appeal site. The Council has maximum parking standards, but the policies also take account of the effect in relation to the location from congestion, on traffic flows and on the safety of traffic or pedestrians. In addition, I must have regard to the fact that there is an A5 takeaway next door to the proposal in the parade of shops which would generate a similar parking pattern.
7. With regard to the parking demand arising from the development, the appellant states that there is alternative parking available nearby in Baldwyns Park road and farther along the main road. However, Baldwyns Park is at the far end of the parade of shops round the corner, with pavement bollards and parking restrictions protecting the junction with Dartford Road, making it less attractive in terms of accessing the development.
8. I appreciate that there is some onstreet parking on Old Bexley Lane past the end of parade of shops. However, there are parking restrictions along Dartford Road and Old Bexley Lane in both directions from the proposed development in order to secure adequate visibility and the free flow of traffic through the junction. There are road markings indicating forthcoming hazard in terms of the bus stop that occupies a large part of the area outside the parade of shops, followed by the junction with Baldwyns Park where the main road curves away. Although the level of usage from the development would fluctuate throughout the opening hours, based on traditional mealtimes there is likely to be heavier demand at this development coinciding with peak evening traffic activity on Dartford Road.
9. The appellant also states that not all customers would come by car and there are bus services along Dartford Road. However, based on the evidence in the appeal there is nothing to guarantee where customers would park or use of public transport. Moreover, the appellant states that the development is primarily aimed at customers in the local residential area, making use of bus services less likely.
10. Based on the above factors, I consider that the development would have an adverse effect on parking and highway safety. I consider that these matters could not be satisfactorily resolved by the imposition of conditions because of the limited parking capacity within the site, and the business need to open in the evening hours. There are no other matters that would outweigh the harm arising from the development.
11. Consequently the development would conflict with Policies T17 and ENV39 of the London Borough of Bexley Unitary Development Plan and Policy CS15 of the London Borough of Bexley Core Strategy. Together these aim to secure high quality development appropriate to its location.

Other Matters

12. The appellant states that the development would have a level access that would be wheelchair accessible. It would also provide employment for up to 3 people. It would offer a further choice of food locally, which would benefit the locality. However, these matters do not outweigh the harm arising from the development that I have identified above.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR