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## Appeal Decision

Site visit made on 5 August 2019

**by D Jackman BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 August 2019**

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### **Appeal Ref: APP/C5690/D/19/3229394 214 Whitefoot Lane, Bromley BR1 5SQ**

- 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 Nsongela Mawila against the decision of the Council of the London Borough of Lewisham.
  - The application Ref DC/19/111094, dated 20 February 2019, was refused by notice dated 18 April 2019.
  - The development proposed is vehicular crossover. Drop of existing kerb to enable access for a vehicle.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a vehicular crossover, drop of existing kerb to enable access for a vehicle at 214 Whitefoot Lane, Bromley BR1 5SQ in accordance with the terms of the application, Ref DC/19/111094, dated 20 February 2019, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: WHITEFOOT/01 2018 Revision A01.

### **Main Issue**

2. The main issue in this appeal is whether the proposed vehicle crossover would exceed the amount of allowed accesses into the site.

### **Reasons**

3. The proposal is primarily to drop the kerb in front of the appeal property to create a vehicle crossover that would serve an off-street parking space on the existing hardstanding in front of this end terrace building. Whilst the submitted plans indicate the provision of one disabled car parking space, the applicant has suggested that the area is large enough to accommodate 2 cars.
4. Whitefoot Lane is a C classified road and the appeal site is located opposite the junction with Downderry Road. The appeal property is set back from the road behind a wide pavement. A staggered pelican crossing, located on each side of a central island, is sited in front of the property at 220 Whitefoot Lane and the

zig zag lines on the approach to the crossing extend across where the proposed dropped kerb would be.

5. The Council object to the development as the proposed crossover would exceed the amount of allowed accesses into the site. Whilst I note that the guidance notes from the Council's Application for a Vehicular Crossover, under the Highways Act (1980), state that a crossover will be permitted only if there is presently no means of access to off-street parking within the property, this does not appear to be an adopted planning policy.
6. The Council further contend that the proposed crossover would involve the loss of a pedestrian crossing. No evidence has been submitted as to why a crossover in this location would result in the loss of a pedestrian crossing and I am therefore unable to attach any significant weight to this matter.
7. The appellant has stated that the existing garage at the end of the rear garden is used for storage and is not therefore currently available for off-street parking. I have noted that the proposed parking space would be used by the disabled brother of the applicant and I am sympathetic to the problem of finding a suitable parking space in close proximity to the appeal property. Further I note that the proposal would free up limited on street car parking space for neighbours.
8. The Council have not suggested that the proposed crossing would harm highway safety nor demonstrated why the creation of a second access would be harmful. Accordingly, I find that the proposal would not conflict with policy 14 of the Lewisham Core Strategy (2011) which states, amongst other things, that the access and safety of pedestrians throughout the borough will be promoted and prioritised, and a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction. Further, the disabled parking space would be easily accessible from the front entrance to the appeal property and would comply with policy DM29 of the Lewisham Development Management Local Plan (2014) which states, amongst other things, that wheelchair accessible car parking is required to be provided in accordance with best practice standards.

### **Planning Conditions**

9. I have attached the standard time limit condition and, as suggested by the Council, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plan.

### **Conclusion**

10. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

*D Jackman*

INSPECTOR