



Appeal Decision

Site visit made on 30 June 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/G5180/W/19/3242188
75 Plaistow Lane, Bromley BR1 3JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Derek Bryan against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02221/RECON, dated 16 September 2019, was refused by notice dated 31 October 2019.
 - The application sought planning permission for demolition of existing dwelling and erection of 2 detached five bedroom dwellinghouses with associated parking without complying with a condition attached to planning permission Ref DC/16/02221/FULL1, dated 4 August 2016.
 - The condition in dispute is No 16 which states that: The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.
 - The reason given for the condition is: In the interest of the residential and visual amenities of the area and to accord with Policies H7 and BE1 of the Unitary Development Plan.
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Decision

1. The appeal is dismissed.

Background

2. This appeal seeks alternative access arrangements to the plans approved under DC/16/02221/FULL1 to enable the formation of an additional vehicular access to serve the northernmost dwelling of the approved residential development.
3. The Council refused permission for the alternative access arrangements for the following reason: *There is an existing vehicle crossover at the site and the proposal by reason of its siting and position would create a significant safety hazard in relation to highways and pedestrian safety and would be prejudicial to the free flow of traffic within the Local Distributor Road contrary to Policies 32 and 34 of the Bromley Local Plan.*
4. At the time of my visit the approved development was largely completed. Access to both properties is currently gained from a single access point from Plaistow Lane a little to the south of the junction with Rodway Road in accordance with the approved plans.

Main Issue

5. I consider the main issue to be the effect of the proposed additional vehicular access on highway and pedestrian safety.

Reasons

6. The proposed access would be positioned opposite the junction of Rodway Road with Plaistow Lane. Plaistow Lane is a local distributor road and carries considerable volumes of traffic. Rodway Road is a minor road carrying lesser amounts of traffic. It joins Plaistow Lane at an angle and has a pedestrian refuge near the junction to aid pedestrian safety. The junction is lit by streetlights. There are double yellow lines along Plaistow Lane and at the junction along Rodway Road.
7. The proposed access would introduce new vehicular movements at a point where motorists' attention is already engaged with assessing vehicle movements into and out of the two roads. Although visibility is good in both directions, the introduction of a new access immediately opposite the junction would add a further distraction to road users at a point where their attention needs to be focused on the existing highway, and as a result would be detrimental to highway safety.
8. The appellant suggests that a vehicle using the garage in the northernmost of the two properties would have difficulty turning around on the forecourt and therefore might try and leave in reverse. From my observations of the site I do not consider that is likely to be the case. Were an occupier to experience such difficulty in manoeuvring there is sufficient space within the site to enlarge the forecourt, subject to it not damaging the retained trees. There is also a paved area between the two houses that would enable a car to turn before exiting the site. The perceived difficulty in manoeuvring does not justify an access that would cause a highway safety hazard.
9. As regards pedestrian safety, there is a wide pavement and visibility is good in both directions over a low timber fence that fronts the site. I do not consider the access would compromise pedestrian safety. However, the absence of harm to pedestrian safety does not alter my view on the hazard to vehicular safety.
10. I conclude that the introduction of another vehicular access point, as an alternative to the plans approved under condition No 16 on DC/16/02221/FULL1, would be detrimental to highway safety and as a consequence conflict with Policies 32 and 34 of the Bromley Local Plan 2019, which require that development does not adversely affect road safety.

Conclusion

11. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR