



Appeal Decision

Site visit made on 09 March 2021
by C Rafferty LLB (Hons), Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/G5180/D/20/3263825

62 Upper Elmers End Road, Beckenham BR3 4AN

- 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 Chris Clark against the decision of the Council of the London Borough of Bromley
 - The application Ref DC/20/03487/FULL1, dated 29 August 2020, was refused by notice dated 13 November 2020.
 - The development proposed is the provision of crossover and driveway.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I have taken the proposal description from the appeal form and Council's decision notice as it describes the proposal more succinctly and accurately than the description provided on the application form.

Main Issue

4. The main issue is the effect of the development on highway safety.

Reasons for the Recommendation

5. The appeal site comprises a semi-detached dwelling on a residential section of Upper Elmers End Road, a classified road, at the junction with Goddards Road and close to a bus stop.
6. Policy 34 of the London Borough of Bromley Local Development Framework adopted January 2019 (the Local Plan) specifies guidelines that new vehicle crossings should meet. For classified roads this includes the requirement of a road safety audit. The policy does not specify precisely what information such an audit should include. The appeal statement seeks to assess the safety implications of the proposal and, in the absence of any detail as to what information the Council expects to be provided, I am satisfied that the statement constitutes the appellant's audit in this regard.

7. Vehicles would be unable to turn on site, having to reverse when entering from or exiting onto the classified road, which I observed can be subject to busy traffic. Therefore, while limited, the additional vehicular manoeuvres arising from the proposal would impede traffic flows and could lead to an unacceptable risk of collisions. It is accepted that the proposal is not near a pedestrian crossing and does not impeach on the bus stop markings. Nonetheless, the proximity of both the corner junction and bus stop, combined with the fact that the proposal would represent a break in the footpath, would require drivers to be particularly vigilant of emerging cars in one direction and pedestrians and potential pulling in of buses in the other.
8. Although Upper Elmers End Road is largely straight in both directions, visibility of traffic and pedestrians emerging from the Goddard Road junction is poor. While the appellant has suggested removal of hedging and an openness to visibility conditions, limited sight of highway users at the junction would remain. The appellant could only maintain or remove vegetation within his garden and not that of neighbouring properties and visibility of pedestrians in and around the bus stop would be extremely limited for vehicles reversing out of the driveway.
9. The appellant has referred to other examples nearby, to include in particular Nos. 67, 86 and 299 Upper Elmers End Road. Limited details have been provided on the crossover at No. 86 and it appears from my visit that the address of No. 67 does not match the pictures provided. Nonetheless, while properties nearby may benefit from a crossover at a corner junction or bus stop, it is the combination of both elements in proximity to the appeal site which would cause unacceptable harm on account of the complexity of vehicle and pedestrian movements and limited inter-visibility.
10. The acceptability of the proposal has not been demonstrated in relation to road safety implications. Accordingly, the relevant vehicle crossing guidelines in the Local Plan have not been met. For all of the reasons outlined I find that the development would have an adverse effect on highway safety. Accordingly, it would fail to comply with Policies 32 and 34 of the Local Plan.

Other matters

11. It is acknowledged that there are no objections to the proposal from the neighbouring residents. However, notwithstanding that point it is necessary to ensure that satisfactory levels of highway safety are maintained. Consequently, the lack of an objection is not sufficient to outweigh the harm identified above.
12. The appellant states the scheme would not impede drainage at the site. However, to comply with national and local policy, any scheme would be expected to have regard to this. The absence of harm in this respect does not amount to a benefit over and above what would normally be expected, and attracts limited weight.

Conclusion and Recommendation

13. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR