



Appeal Decision

Site visit made on 29 June 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2021.

Appeal Ref: APP/G5180/D/21/3270379

60 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 Kyle Nimmo against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/03588/FULL6, dated 9 September 2020, was refused by notice dated 15 February 2021.
 - The development proposed is a parking area / dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a semi-detached dwelling located on a residential section of Upper Elmers End Road which is a classified road.
4. Policy 34 of the London Borough of Bromley Local Plan (2019) (LP) states that on classified roads that are not strategic routes, vehicular crossings will be permitted, subject to a road safety audit demonstrating acceptability to the Council. In this case, no such road safety audit appears to have been undertaken although I note that the policy does not specify what information would need to be provided as part of the audit.
5. There is a bus stop along Upper Elmers End Road immediately to the front of the appeal property and the use of the proposed vehicle access would involve crossing the bus stop markings outside the dwelling. The site is also opposite the junction between Upper Elmers End Road and Balmoral Avenue. I also noted at my site visit that cars are parked along the road on either side of this junction. A short distance to the south of the site is the junction between Upper Elmers End Road and Goddard Road.
6. The space to the front of the dwelling has a relatively shallow depth of 4 metres, including the hedge along the front boundary. There is also a narrow space to the side of the dwelling that is between about 2.8m and 2.2m wide. A close boarded fence runs the boundary with the adjacent dwelling. Given the lack of space to the front and side of the dwelling and in the absence of a

detailed swept path analysis, I am not convinced that there is sufficient space for a car to turn without multiple manoeuvres which would make turning within the site extremely difficult. I therefore consider that the proposal would be likely to lead to vehicles having to reverse onto the classified road when entering or exiting.

7. I observed on site that whilst relatively straight, Upper Elmers End Road can be subject to busy traffic even during quieter times of the day. Whilst vehicular movements associated with one dwelling would be limited, I nonetheless consider that the additional vehicular manoeuvres arising from the proposal would have considerable potential to impede the free flow of traffic and to cause an unacceptable risk of collision, due in part to the proximity of the proposal to the junction of Upper Elmers End Road with Balmoral Avenue and with Goddard Road.
8. The proposed dropped kerb and associated vehicular crossing would also be close to the bus stop and would involve vehicles turning across the markings associated with it. In my view, the use of the proposed access would have the ability to conflict with buses pulling in and out of the bus stop and would create a further hazard to users of the highway, including pedestrians on the pavement and those waiting at the bus stop.
9. For the above reasons, I conclude that the acceptability of the proposal has not been demonstrated in relation to road safety implications. This leads me to conclude that the proposal would have a harmful effect on highway and pedestrian safety and would be contrary to Policies 32 and 34 of the LP which together seek to ensure that road safety is not adversely affected by development proposals.

Other Matters

10. The appellant has highlighted that the proposal would enable charging of an electric vehicle, which I concur is a positive benefit of this scheme. However, this matter would not outweigh the harm I have identified to highway and pedestrian safety.
11. The appellant has also referred to several other dropped kerbs along Elmerside Road and one example along Upper Elmers End Road although other than for 24 Elmerside Road, I have not been provided with full details of these applications. With regard to the site plan provided in respect of 24 Elmerside Road, I note that more detailed information was supplied to demonstrate that a car would be capable of turning within the site. In any event, I am required to determine the appeal proposal on its own merits.

Conclusion

12. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR