



Appeal Decision

Site visit made on 7 June 2021 by Ben Phillips BSc MSc MRTPI

Decision by L McKay MA MRTPI

An appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/C5690/W/20/3264457

43a/43b Burnt Ash Hill, Lewisham

- 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 Ms Heidi Anderton (Absolutely Animals Ltd) against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/20/117889, dated 19 August 2020, was refused by notice dated 16 October 2020.
 - The development proposed is described as a proposed drop kerb for vehicle crossover.
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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.

Procedural Matters

3. Since the Council's refusal of the scheme, a new London Plan has been adopted (March 2021). Both parties were provided with the opportunity to comment on this matter and I have taken the representations received into account in my consideration of this case.

Main Issue

4. The main issue in this case is the effect of the vehicular access on highway and pedestrian safety.

Reasons for Recommendation

5. Numbers 43a and 43b are part of a terrace of commercial units, set behind a wide pavement. In front of part of the terrace is a row of short-term parking spaces which does not extend in front of the appeal site. A tyre business is located next to the appeal site at the southern end of the terrace (No 45), and this property is served by a dropped kerb¹, which allows for direct parking outside the business.
6. It is evident that some of the other businesses also make use of the pavement outside the stores for parking and have done for quite some time. However, this would be on an informal basis and the evidence before me is that this is not lawful, as there is no dropped kerb. Furthermore, it would not be possible should the parking bays in front of those units be occupied.

¹ Approved under reference no. DC/16/098646

7. The existing situation may put off some customers from parking on the pavement, as it would require driving up the kerb. By formalising the parking and making it more convenient, the proposal would be likely to mean that vehicles would cross the pavement more frequently than at present. Vehicles entering or exiting the parking spaces would lead to conflict with unsuspecting pedestrians, particularly as cars would have to reverse into or out of them. This would not ensure safe access for all users, or promote and prioritise the access and safety of pedestrians and cyclists as set out in Policy 14 of the Council's Core Strategy (2011). Furthermore, any car waiting for pedestrians to pass before crossing the pavement area would also block traffic.
8. I recognise that this situation already occurs for the tyre business, however the nature of that business clearly requires vehicular access and is unsuitable for brief unloading or short-term parking as allowed by current highway restrictions. It is also located at the end of the terrace, next to an existing rear access lane. As such, pedestrians would already be aware of the possibility of cars crossing their path. Nevertheless, due to the potential hazards, it provides reflective bollards around its parking area to warn pedestrians that vehicles may be crossing the footway.
9. Whilst the appellant suggests similar measures could be implemented on the appeal site, no such details are before me to consider. Even if such measures were put in place, pedestrians would still be negotiating a much greater length of pavement where cars might be manoeuvring in and out. As such, the proposal would increase the potential for conflict with pedestrians compared to the existing situation. The proposal would also introduce further conflicting vehicle movements onto the highway. While this part of Burnt Ash Hill is limited to 20 miles per hour and visibility is good, in combination with the existing movements into and out of the tyre business and the parking bays, this would be detrimental to highway safety.
10. The proposed width of the crossover is substantial at 6.3m, however the Council's 'Application for Vehicular Crossover Document' sets out that a crossover wider than 5m may be permitted for commercial premises. There is no substantive evidence before me that the proposal would result in any greater harm than the width deemed acceptable in that Document. Nevertheless, this would not materially limit the potential for conflict set out above.
11. Therefore, the proposed vehicular access would harm highway and pedestrian safety and as such, would conflict with the relevant objectives of CS Policy 14 and with Paragraphs 109 and 110 of the National Planning Policy Framework (the Framework). Moreover, it would also conflict with Policy D8 of the London Plan (2021) which requires parking to not obstruct pedestrian lines, and to encourage people's safe enjoyment of the space.
12. The appellant raises concern that there are insufficient parking spaces available on a consistent basis for their customers. However, no details have been provided of specific incidents that have occurred while the business has been operating without lawful on-site parking. There is no substantive evidence before me that there is a lack of parking available locally for customers who need to be at the site for longer than the short-term bays allow, or which provides for pets to be taken out of vehicles other than on the highway. The proposal would provide more convenient parking for customers however there

is no compelling evidence before me that the absence of formal parking currently adversely impacts on the business, or results in indiscriminate parking locally. As such, I can afford the benefits of the proposal limited weight, and this does not outweigh the harm I have identified.

13. The Council's decision refers to Policy 29 of the Development Management Local Plan (2014) however this refers to detailed car parking standards, rather than highway safety issues. As such, it does not appear to have any direct relevance in this instance.

Conclusion

14. There are no material considerations, including the benefits of the scheme and the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Phillips

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is dismissed.

L McKay

INSPECTOR