

Appeal Decision

Site visit made on 24 August 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/G5180/D/21/3277724
176 Beckenham Road, Beckenham BR3 4RJ

- 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 Charles Greenwood against the decision of the Council of the London Borough of Bromley.
 - The application, Ref. DC/21/00477/FULL6, dated 31 January 2021, was refused by notice dated 10 May 2021.
 - The development proposed is a dropped kerb over the pavement on a classified road.
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Decision

1. The appeal is allowed and planning permission is granted for a dropped kerb over the pavement on a classified road at 176 Beckenham Road, Beckenham in accordance with the terms of the application, Ref. DC/21/00477/FULL6, dated 31 January 2021 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS based Site Location plan; OS based Block Plan; dimensioned sketch of proposed dropped kerb.

Main Issue

2. The main issue is the effect of the proposed dropped kerb on highway and pedestrian safety.

Reasons

3. I saw on my visit that the great majority of properties on this section of Beckenham Road have parking on their frontages and dropped kerbs to facilitate highway access and egress. The main difference in this case is that the proximity of the access to the Pelican crossing is considered by the Council to create an unacceptable hazard to pedestrians and drivers, although reference is also made to inadequate on-site turning space.
 4. On the first point, I consider that the presence of the nearby Pelican crossing has a traffic calming effect, as its existence invariably reduces speeds and increases driver alertness. When it is actually in use by pedestrians, the effect of halting traffic flow will be one of creating even safer opportunities for access
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and egress to No. 176. Furthermore, these interruptions in traffic flow by the Pelican also regulate the movement of vehicles that turn out of both Plawsfield Road and Ravenscroft Road into Beckenham Road, some of which turn southeast and accelerate from the junction past No. 176. Without this constraint the Council and the Highway Authority would be able to argue that there would be an increased hazard as regards the potential for collisions with vehicles entering or leaving No. 176.

5. Furthermore, the road is straight and roadside parking is precluded, thereby enabling good visibility for the drivers of passing vehicles and for the appellant when driving into or out of the parking area. And with the proposed crossing's distance of 5 metres from the Pelican, I do not envisage any additional danger to pedestrians. I also note that the adjoining dwelling at No. 174 and the house directly opposite on the other side of the road both have dropped kerbs within the zig zag markings of the Pelican.
6. On the second point of the turning space, the appellant is already using the front curtilage for parking on a basis that in all probability cannot reasonably be prevented by the Highway Authority, and the dropped kerb will not in itself lead to more use of the access. Moreover, crossing the existing raised kerb inevitably results in a slower manoeuvre which is more likely to disrupt the flow of traffic and increase the chance of collision.
7. I am additionally satisfied that there is enough room for an average sized vehicle to turn on the site to enable entering and leaving the site in a forward gear. This would not be possible if the area is used by two vehicles, but this is no different to the circumstances of the many other frontages in this part of Beckenham Road.
8. Overall, in the circumstances of this case, including the proximity of the Pelican crossing, I conclude that the proposed dropped kerb will have no adverse effect on highway and pedestrian safety. There would therefore be no conflict with Policies 32 & 34 of the Bromley Local Plan 2019 or with paragraph 111 of the National Planning Policy Framework 2021 which says that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. This is clearly not the case here.
9. I shall therefore allow the appeal and grant permission. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. In addition, the appellant will need to ensure that the construction method and materials needed for the dropped kerb will be subject to the regulations administered by the Local Highway Authority to ensure that the appropriate standard is met in carrying out the proposed installation of the crossing.

Martin Andrews

INSPECTOR