

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/21/3273871

400 Upper Elmers End Road, Beckenham BR3 3HG

- 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 Apostol Arnautu against the decision of the Council of the London Borough of Bromley.
 - The application, Ref. DC/20/04251/FULL6, dated 20 October 2020 was refused by notice dated 12 April 2021.
 - The development proposed is the conversion of the existing front garden into a driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed parking and access on highway and pedestrian safety.

Reasons

3. The reason for refusing the application on the Council's formal notification is explained more fully in the officer's delegated report. Essentially the Council's concern is that the limited size of the proposed parking area would necessitate the users of the parking space reversing either into or out of the site. This would create an unacceptable hazard both to occupants of the vehicle and to other road users including pedestrians, particularly as the driveway would be close to a pedestrian refuge island.
 4. I saw on my visit that No. 400 is located as the second house within a line of terraced houses immediately to the west of a local commercial centre. Some of the premises in this centre do have a crossover and frontage parking facilities, but most of the nearby terraced houses further along the road do not. The limited exceptions are mainly dwellings that adjoin the driveways to a rear service road. These driveways enable access to the frontage areas of the houses to each side.
 5. Whilst I do not consider that the somewhat separate presence of the pedestrian refuge has much bearing on the issue, from all that I have seen and read I am satisfied that reversing vehicles on this busy road – more often than not between parked vehicles – would be a hazard as described by the Council. The actual harm to safety to car users and pedestrians would vary according to a
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range of factors. But as an example, reversing into or out of the parking area with cars parked on either side during the hours of darkness in rainy weather during the morning or evening rush hour would seem to me to be a combination of factors that would significantly increase the risk of an accident. Even in more favourable conditions there would be an increased hazard.

6. Two further adverse consequences of the proposal would be the reduction of on-street parking through the creation of the access and the fact that if I were to allow the appeal it would in all fairness make it difficult for the Council to refuse applications from the many neighbours who have similar circumstances.
7. For the appellant it is argued that are other crossovers and turnings nearby that operate safely and that published data establishes that this is a relatively accident-free stretch of road. However, this does not alter my view that an increase in the currently very limited accesses to the terraced houses would be a retrograde step for highway safety in this section of Upper Elmers End Road, but at the same time one that would encourage further applications.
8. I sympathise with the inconvenience experienced by the appellant in parking his car in a location with a low PTAL rating, and no doubt this frustration is shared by other local residents. One form of partial mitigation would be residents' parking permits. However, this is not before me in this appeal and is a matter entirely for the Council who in the event of considering a permit scheme would have to balance local traffic conditions with the parking needs of these residents.
9. Overall, I conclude that the proposed parking and access at No. 400 would have an unacceptably harmful effect on highway and pedestrian safety. This would conflict with Policies 32 & 34 of the Bromley Local Plan 2019 and with paragraph 111 of the National Planning Policy Framework 2021. As regards the latter, this refers to an 'unacceptable impact' on highway safety being the benchmark for a refusal of permission, but I consider that an incremental impact (as is the case here) can be material to a conclusion of whether or not an effect would be unacceptable.
10. For the above reasons I dismiss the appeal.

Martin Andrews

INSPECTOR