



Appeal Decision

Site visit made on 16 November 2021 by C Glaister BSc (Hons)

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2021

Appeal Ref: APP/N5660/D/21/3278356

68 Mervan Road, Brixton, London SW2 1DU

- 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 Dai Hawkins against the decision of the London Borough of Lambeth.
 - The application Ref 21/01287/FUL, dated 29 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is described as "rear kitchen extension; reduction of garage into garden room / home office; garden enlargement and improvement (including provision for occasional parking)".
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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. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Regard has been had to the revised national policy as a material consideration in the decision-making process. However, in this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. There is therefore no requirement to seek further submissions on the revised Framework.
4. The Lambeth Local Plan 2020–2035 (LLP20) was adopted on 22 September 2021. The application was originally assessed during the draft stage of this plan, and the LLP20 Policies relevant to the refusal of the development were included in the decision notice. The title of draft Policy T7, which related to parking, has since changed to Policy T6 with the adoption of the plan. The substance of the Policies referenced at draft stage have remained the same upon the adoption of the LLP20. This development must be considered with regard to the adopted development plan, however, for the above reasons, there is no requirement to seek further submissions on the new local plan.
5. The Council are clear that their concern relates solely to the proposed vehicle access. There is no reason to disagree with the Council's views where they relate to other aspects of the proposal. As such, the recommendation will focus on the proposed vehicle access.

Main Issue

6. The main issue is the effect of the development on pedestrian safety.

Reasons for the Recommendation

7. Access to off-street parking along Talma Road and Mervan Road is very rare. The site currently maintains a wide access gate alongside a small pedestrian gate, both of which immediately front the pavement of Talma Road. The proposal would remove the pedestrian gate and replace the wider access gate with one that is narrower.
8. Due to its width, the buildings either side of it, and it being immediately adjacent to the pedestrian footpath on Talma Road, the proposed access gate would fail to provide adequate visibility for a driver exiting the site in either forward or reverse gear. The rarity of off-street parking access along Talma Road would further exacerbate its harm, given that a pedestrian would be far less likely to expect a vehicle to emerge onto the pavement.
9. Whether or not the existing gate had previously been used to facilitate off-street parking, the proposal would nevertheless materially alter the access by reducing the width of the gate and would be harmful to pedestrian safety. The appeal is considered with regard to its own individual merits, there is a separate process to seek a determination as to the lawfulness of existing works and this cannot be carried out as part of an appeal for householder development. The two access gates further along Talma Road, and any others within the vicinity of the site, do not justify a vehicle access gate at the appeal site which would harm pedestrian safety.
10. For these reasons, the vehicle access gate would harm pedestrian safety. It would therefore fail to comply with paragraph 111 of the Framework which seeks to avoid an unacceptable impact on highway safety.
11. Policy T6 of the London Plan (2021) and Policies T6 and Q14 of the LLP20 are mainly concerned with controlling the provision of parking and only reference highway safety in respect of off-street parking for Blue Badge holders. These Policies are not therefore relevant to the main issue of this appeal. However, any direct lack of conflict with these Policies does not undermine the need to consider highway safety.

Conclusion and Recommendation

12. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

C Glaister

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR