



Appeal Decision

Site visit made on 1st February 2022

by Megan Thomas Q.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 11th March 2022

Appeal Ref: APP/D5120/D/21/3288974

234 Hurst Road, Sidcup, Kent DA15 9AN

- 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 Nigam against the decision of the London Borough of Bexley.
 - The application Ref.21/01778/FUL, dated 27 May 2021, was refused by notice dated 30 September 2021.
 - The development proposed is the "demolition of existing low level boundary wall being replaced with 725mm high brick wall with 1500mm high piers at regular intervals infilled with metal railings".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the free flow of traffic and highway safety for pedestrians and other road users.

Reasons

3. The appeal site is a two storey semi-detached dwelling located close to a roundabout that serves Hurst Road, Fooks Cray Lane and Penhill Road. It is situated between Hurst Road and Fooks Cray Lane. It has off-road parking for about 3 vehicles, the entrance for which is via Fooks Cray Lane, about 20-25m from the roundabout entrance. The off-road parking is facilitated by an existing crossover with dropped curb. There are double yellow lines on Fooks Cray Lane outside the appeal site along with a pedestrian footpath.
4. The proposal would include a remote-controlled sliding electronic gate about 6.5m wide and a wall with intermittent piers (about 1.5m high) and metal railings in between. No alterations to the crossover/dropped curb would be made.
5. Policy G18 of the Bexley Council Unitary Development Plan `UDP` indicates that the Council will manage the borough's network of roads according to their function in the hierarchy of roads. In that hierarchy Fooks Cray Lane is a London Distributor Road which facilitates through traffic movements and links to strategic roads. It is a busy highway and bus route. Vehicles often queue back from the roundabout entrance by a significant distance which includes the highway in front of the appeal property.

6. Although there is a crossover which is used for vehicular access and egress to and from the appeal site, the remote control electronic sliding gate would introduce an additional barrier which has to open when accessing the site. The appellant indicates that the gate takes about 15 seconds to open and can be triggered remotely from inside the approaching vehicle. I have borne this in mind but nevertheless I consider that the proposed development would cause an additional material cause of delay which would prejudice the free flow of traffic on the Lane and potentially interfere with highway safety. Furthermore, a vehicle accessing or leaving the appeal site, depending on road congestion, may have to wait on or partly over the pedestrian footway which would cause a safety hazard.
7. The appellant has referred to the existence of permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 which would allow a gate to be erected at the same or a similar location without the need for express planning permission. However, such a gate could not exceed 1 metre in height from ground level. There has to be a realistic prospect of that fallback development under PD rights taking place and on the evidence before me I am not convinced that it would. I am not persuaded that, if the appeal was dismissed, a PD-compliant scheme incorporating a 1m vehicular gate would be erected at the appeal site.
8. I have borne in mind the added security that the proposal would bring to the occupiers of the dwelling and the policy support for deterring crime. However, those factors do not outweigh the harm I have identified above.
9. I conclude therefore that the proposal would unduly harm the free flow of traffic and highway safety. It would be contrary to policy G18 of the UDP (adopted 2004) and contrary to policy CS15 of the London Borough of Bexley Core Strategy 2012.

Conclusion

10. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas Q.C.

INSPECTOR