



Appeal Decision

Site visit made on 28 February 2022

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 MARCH 2022

Appeal Ref: APP/C5690/W/21/3286168

Flat C, 364 Lee High Road, London SE12 8RS

- 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 Calvin Woodroffe against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/123133, dated 19 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is the provision of a dropped kerb for a vehicular crossover to the front driveway.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal in relation to the safety of users of the adjacent highway, including pedestrians.

Reasons

3. The appeal relates to this detached building which has been converted to use as flats. Lee High Road is a classified road (A20), carries significant amounts of traffic and is part of a 'red route'. The frontage of the site is hard-surfaced and used for parking.
4. Policy 14 of the Council's Core Strategy Development Plan Document (CS), adopted in 2011, states, amongst other things, that the access and safety of pedestrians and cyclists throughout the Borough will be promoted and prioritised. This is consistent with paragraph 112 of the latest version of the National Planning Policy Framework which states that development should give priority first to pedestrian and cycle movements, within schemes and the surrounding area.
5. The Council and Transport for London (TfL) indicates that there is insufficient space within the appeal site for vehicles to turn, which means that vehicles at the site would need to either enter or leave by reversing. The adjacent road was busy at the time of my visit and carries significant numbers of vehicles as well as cyclists using the marked cycle lane. The Council indicates that the absence of any traffic light junctions nearby means that there are few breaks in the flow of vehicles on this stretch of the road.

6. Cars parked within the appeal site would need to reverse out of the site (if they have not reversed into it). This would mean crossing the pavement and cycle lane and entering the carriageway; depending on its outward direction, it may also mean crossing one lane of traffic. Visibility for a driver undertaking such a manoeuvre would be restricted somewhat by the fences between the properties, as well as the alignment of the road. I consider that such a manoeuvre would involve a significant degree of risk to pedestrians, cyclists, other drivers, and those emerging from the appeal site. If a driver attempted to stop and reverse into the site, a similar degree of danger would be involved.
7. The appellant points out that the appeal site already accommodates 2 parking spaces and is used at present by vehicles mounting the kerb. He indicates that this involves a slower, and so potentially more hazardous, manoeuvre than it would if a dropped kerb were to be provided. He indicates that this would continue if the appeal were to be dismissed. However, TfL state that these actions are illegal and constitute an offence which could be subject to a fine. In these circumstances, I attach little weight to the current pattern of use of the forecourt for parking.
8. The appellant also draws my attention to a number of other properties in the immediate vicinity; some have parking without dropped kerbs and a number have dropped kerbs. In relation to those without dropped kerbs, the same considerations as set out by TfL would apply to those. In relation to those with dropped kerbs, the Council has indicated that there is no history of planning applications for these and so they may have been in existence for some period of time and prior to the existing planning policy context. Therefore, without any clarity of the planning circumstances of these other examples, I find that they are little assistance in determining the current appeal.

Conclusions

9. For the reasons set out above, the appeal proposal would give rise to conditions on the adjacent highway that would prejudice the safety of pedestrians, cyclists, and drivers of vehicles. Therefore, the proposal is in conflict with Policy 14 of the CS and paragraphs 110, 111 and 112 of the Framework. There are no benefits arising from the proposal which would outweigh this harm. Therefore, the appeal is dismissed.

T Wood

INSPECTOR