



Appeal Decision

Site visit made on 18 April 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2022

Appeal Ref: APP/E5330/D/21/3284257

137 Shooters Hill, Plumstead SE18 3SA

- 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 Sudeep Gurung against the decision of the Council of Royal Borough of Greenwich.
 - The application Ref 21/1737/HD, dated 11 May 2021, was refused by notice dated 16 August 2021.
 - The development proposed is the installation of a new dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's development description as it more accurately describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.
3. The Council included a reason or refusal relating to the inaccuracy of the plans. However, I consider the plans before me to be sufficiently accurate to assess the proposal without being prejudicial to interested parties. From what I could see, the bus shelter would, in all likelihood, be positioned closer to the proposed crossover than depicted on plan. However, I consider the distance to be sufficient to physically accommodate the proposed access.

Main Issue

4. The main issue is the effect of the proposed development on highway and pedestrian safety.

Reasons

5. The appeal site comprises a semi-detached property setback from Shooters Hill behind a front garden. Directly in front of the property is a bus stop, including shelter. Several properties along Shooters Hill already have existing dropped kerbs, providing access to a front driveway.
6. The proposed development would extend an existing dropped kerb outside the adjoining 139 Shooters Hill, to provide vehicular access from Shooters Hill onto the proposed driveway of the appeal site. This would accommodate a single parking space. No details have been provided to confirm whether or not a vehicle would be able to manoeuvre within the site, allowing it to exit the site

in a forward gear. As such, it is likely that occupiers would need to reverse out of the site onto Shooters Hill.

7. The visibility of drivers exiting the appeal site, particularly if reversing, would be compromised by the location of the bus shelter, positioned on the outer edge of the pavement, close to the appeal site and which includes a solid side panel. Similarly, pedestrians approaching from the south would also have limited visibility of the driveway due to the position of the shelter. As such, the proposed development would likely impede the free flow of pedestrians and vehicles, to the detriment of highway safety and comfort.
8. I acknowledge the appellant's reference to other existing dropped kerbs in the surrounding area, and I witnessed many examples on my site visit. However, these are not directly comparable to the appeal proposal by reason of either their location or their relative proximity to bus stops and shelters compared with the appeal site. Generally, these nearby dropped kerbs provide reasonable visibility for the driver, oncoming traffic and pedestrians relative to the proposed scheme. The reference to a case at 141 Shooters Hill is historic, dating back to 1986, and in any case is of a greater distance from a nearby bus shelter compared with that of the appeal scheme. Consequently, visibility there is to a greater standard.
9. The appellant contends that the proposed development would improve safety through the removal of a parked car from the street. I disagree. The informal on-street parking arrangements do not conflict with the pavement and consequently the movement of pedestrians.
10. Consequently, I find that the proposed development would harm highway and pedestrian safety, contrary to the relevant provisions of Policies T2, T6 and T6.1 of the London Plan (2021) and Policies IM4, IM(b) and IM(c) of the Royal Greenwich Core Strategy (2014), which, amongst other things, seek to avoid prejudicing free flow of traffic or highway and pedestrian safety and comfort.

Other Matters

11. The appellant contends that the addition of a dropped kerb here would not be out of character with the surrounding area. I agree, and this is not in contention between the main parties. However, this does not overcome the harm to the safety of users of the highway, as reasoned above. Similarly, the fact that the site is not located in a conservation area or near any designated heritage assets, nor that any neighbour consultation responses were received, are not relevant to the matter of safety and do not overcome the identified harm.
12. The appellant has set out personal circumstances in that the proposed development would allow for the safe transport of family members who live at the property. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. It does not follow from the PSED that the appeal should succeed and wider planning considerations are paramount but nevertheless the particular need for improved access in this location is a matter to which I give moderate weight in assessing the proposal.

13. I have reasoned above the significant harm that the proposed development would cause to the wider public. Moreover, the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused, and which is contrary to the objectives of the development plan and the Framework.

Conclusion

14. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR