
Appeal Decision

Site visit made on 11 July 2022

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 27 July 2022

Appeal Ref: APP/C5690/W/22/3294321
313B Brownhill Road, London SE6 1AL

- 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 Ms M Alsheblawi against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/21/124824, dated 17 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is the provision of a dropped kerb for a vehicular crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the safety of vehicles, drivers and pedestrians.

Reasons

3. The appeal relates to this flat which is located within a 2 storey terraced property. The property is located on Brownhill Road, the A205 which is part of the South Circular and is a 'red route' managed by Transport for London (TfL). The frontage of the property is hard-surfaced. To the rear of No 313 is an access onto Minard Road but the appellant states that this is owned and controlled by flat 313D and is not available to her to use.
4. Policy 14 of the Council's Core Strategy (CS) relates to sustainable transport and movement and, amongst other things, seeks to promote the safety of pedestrians and cyclists. It also states that the Council will work with other organisations, including TfL, to address the impact of development and manage traffic.
5. TfL has objected to the proposal, when consulted by the Council. Firstly, they assume that the appellant has access to the rear from Minard Road. This is apparently not the case, as set out by the appellant. TfL's objection also relates to the likelihood of vehicles having to reverse out of the site which would have an unacceptable effect on the safety of pedestrians and on the flow of vehicles, given the proximity of the nearby traffic-light-controlled junction.
6. The appellant has submitted a drawing which shows a vehicle on the forecourt and includes graphics which seek to indicate that it could turn within the site.

However, there is no indication that the drawing has been prepared using any recognised vehicle tracking software or graphic and so my view is that little or no reliance can be placed on this. In addition, the presence of another vehicle on the forecourt would hinder the turning manoeuvres and would also mean that it would be very likely that vehicles would resort to reversing onto the highway. Whilst the appellant states that she has only one car, there is no guarantee that this would always be the case and subsequent owners/occupiers could have a number of vehicles. Planning conditions to prevent the parking of more than one car or reversing onto the road would not be practical or enforceable, in my view.

7. The result of cars reversing out of the appeal site would be that drivers emerging from the site would have a very restricted view of pedestrians on the pavement, giving rise to the likelihood of a conflict between the two. In addition, the proximity of the nearby controlled junction could mean that a car reversing out of the site could block the flow of vehicles and block the junction. The appellant has drawn my attention to the presence of other properties with frontage parking and dropped kerbs nearby and I saw these at my site visit. There is no way of knowing how long these have been in place and whether the road was part of the red route when they were constructed. In addition, TfL has indicated that none of these have been done whilst the road has been managed by them. Furthermore, the presence of other examples, which may have an unacceptable effect on highway safety, does not justify the proposal.
8. Therefore, in the absence of any convincing material to the contrary, I conclude that the proposal would have an unacceptable effect on the safe functioning of the highway, contrary to Policy 14 of the CS. There are no other material considerations which outweigh these concerns. As a consequence, the appeal is dismissed.

T Wood

INSPECTOR