
Appeal Decision

Site visit made on 18 July 2022

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 16th September 2022

Appeal Ref: APP/D5120/D/22/3299626
50A Erith Road, Belvedere, Kent DA17 6EY

- 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 Sarabjeet Chatrath against the decision of the Council of the London Borough of Bexley.
 - The application Ref 22/00574/FUL, dated 8 March 2022, was refused by notice dated 20 May 2022.
 - The development proposed is a vehicle crossover.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicle crossover at 50A Erith Road, Belvedere, Kent DA17 6EY in accordance with the terms of the application, Ref 22/00574/FUL, dated 8 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; SS-50a-01(A).

Main Issue

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

Reasons

3. The appeal relates to this 2 storey house which is located on Erith Road (A206) which is identified as a London Distributor Road by the Council. The frontage of the property is hard-surfaced. The property has access provided to the rear, where there appears to be parking within the property. There is a pedestrian crossing point, with a central reservation immediately outside the appeal site.
4. The Design and Development Control Guideline 5 which is appended to the Council's Unitary Development Plan (UDP) states that access to London Distributor Roads will be permitted with reference to Policy G18 of the UDP, which identifies the classes of road in the borough's hierarchy of roads to which this guidance refers. Relevant to this appeal, it states that limited access to other London Distributor Roads may be approved if: 1) there is no alternative access available; 2) a turning area of approved standard can be provided

within the property; and 3) all of the requirements for the provision of vehicular access on other roads are met. The Council's submissions state that, as there is an alternative vehicle access, the proposal is unacceptable.

5. In relation to the rear access to the property, the appellant states that parking here is 'oversubscribed' and this makes it difficult to safely gain access. With regard to safety, the Council considers that vehicles entering and leaving the site would pose a threat to the safety of pedestrians who are using the pavement and the adjacent crossing point. The appellant indicates that the appeal site is of a sufficient size to allow a car to turn within it and so enable cars to enter and leave without having to reverse into or out of the site; the Council has not contested the appellant's assessment in this respect. I noted that the boundaries of the properties here contain very low means of enclosure and so a driver emerging from the appeal site, in a forward gear, would have very good visibility of any nearby pedestrians and, in turn, pedestrians would be able to easily see a car here. In this respect, I do not foresee any unacceptable risk to the safety of pedestrians or drivers. The presence of the central reservation may mean that a car entering or leaving the appeal site would have to do so cautiously but I consider that this would not pose a threat to safety and would be readily undertaken by a driver paying due attention; especially so as there would be no need to reverse into/out of the property.
6. Whilst there would be some conflict with the Council's guidelines, I note that the Design and Development Control Guidelines do not form part of the relevant Policies of the UDP and so, whilst I shall take the contents into account, it does not have the weight of a policy. It is also notable that the introductory section of the UDP containing the Guidelines indicates that 'the Council will not expect rigid adherence to every guideline'. Therefore, I have concluded that the proposal would pose no unacceptable risk to the safety of drivers or pedestrians.
7. In relation to conditions, the Council has indicated that, apart from the standard commencement condition, the only other necessary condition would be one which identifies the approved plans. I agree with the need for these conditions and no others are required.

Conclusion

8. For the reasons set out above, the appeal is allowed.

T Wood

Inspector