



Appeal Decision

Site visit made on 22 August 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/D5120/D/22/3301260

31 Halfway Street, Sidcup DA15 8LQ

- 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 Mrs Caicedo against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/03769/FUL, dated 17 December 2021, was refused by notice dated 12 April 2022.
 - The development proposed is a vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. With reference to the application form and the Design and Access Statement, I have described the proposal as a vehicular access, which is consistent with the description given on the appeal form, and in the Council's decision notice.
3. The site lies within the Halfway Street Conservation Area. However, having regard to permitted development rights for the erection of walls, and to the details of the proposal, I agree with the Council that the scheme would preserve its character and appearance.

Main Issue

4. The main issue is the effect of the proposal on the safety and convenience of highway users.

Reasons

5. Halfway Street is a London Distributor Road ('LDR'), as classified by Policy G18 of the Bexley Unitary Development Plan 2004 ('UDP') which seeks to manage the borough's roads according to their function.
6. The Council's Design and Development Control Guidelines ('DCG') sets out at Section 5 that, other than Strategic Roads, LDRs are the most important traffic roads, where limited access may be approved in certain circumstances. These include that appropriate sightlines, along with turning and hardstanding areas within the property, can be provided, and that it would not create a hazard likely to lead to an accident.

7. This part of Halfway Street is subject to a 30mph limit. The Council comments that during peak periods eastbound traffic often stacks back past the site. Whilst it represents just a snapshot in time, during my visit the road was fairly busy. I also observed that many nearby houses on Halfway Street, including Nos 29 and 33, have off-street parking spaces which are served by accesses directly from the highway. There are other access points serving commercial units, including a car repair workshop, broadly opposite the site.
8. The submitted drawings depict the demolition of the host's porch to widen the forecourt, which would be paved; the removal of the existing front stone boundary wall; the erection of brick boundary walls; and the provision of a vehicular access over the pavement to the highway.
9. Given the narrow width of the forecourt, a car would need to park broadly parallel to the road; and there would be insufficient space for it to turn around within the site, thus contrary to the advice in the DCG. However, given the forecourt's length, and the 6 metre gap in the proposed front boundary wall, on the basis of the available evidence, in my view there would be sufficient space for a car to drive into the site in a forward gear, park, and then reverse within the site to leave in a forward gear, proceeding along Halfway Street in the same direction in which it entered.
10. The brick walls that would be erected along part of the site's frontage and along part of its boundary with No 29 would, according to the Council's measurements, be about 1 metre high. I have not been provided with details of visibility splays, but having regard to the DCG's advice that within sightlines no structures should exceed 0.6 metre in height, I have concerns that those walls could significantly impair visibility for emerging drivers of traffic on Halfway Street and of pedestrians, including children and pushchairs, on the pavement.
11. Additionally, visibility for emerging drivers would be significantly restricted in both directions as a result of brick boundary features and landscaping around the front of 33 Halfway Street immediately to the north-west, and by landscaping and the curvature of the road a little way to the south-east.
12. In the absence of evidence to the contrary, and given nearby traffic lights, I accept that vehicular speeds along this stretch of Halfway Street are fairly low, but this is also a reasonably busy highway where drivers are already faced with potential hazards and distractions as a result of the junctions with Burnt Oak Lane and Old Farm Road East, accesses from residential and commercial properties, and pedestrians, including children from nearby schools.
13. Consequently, whilst I accept that it would be feasible to enter and leave the site in a forward gear, those manoeuvres would be awkward and would entail drivers attempting to look ahead and behind them over their shoulder, in a location with restricted visibility, to try to view all other highway users.
14. As the scheme would enable the appellant's vehicle to be parked off the road, it could free-up an on-street parking space. However, given that this stretch of Halfway Street has a double yellow line to prevent most parking at any time, I am not persuaded that this would result in a significant highway safety improvement. In the context of the area, one additional on-street parking space would not be a significant benefit, particularly as the appellant notes that there is no local parking stress given the proximity to public transport.

15. I have not been presented with evidence to indicate that vehicles using existing accesses onto this stretch of Halfway Street has resulted in accidents or highway safety incidents; and I accept that the number of vehicular movements associated with this single dwelling would be low. However, for the above reasons, I am not satisfied that the proposal would not harm the safety and convenience of highway users on this LDR as a result of additional, awkward manoeuvres in a location with restricted visibility.
16. The scheme would therefore conflict with UDP Policy G18, along with Bexley Core Strategy 2012 Policy CS15 which, amongst other things, sets out the need for a safe highway network with a free flow of traffic. To a lesser extent, particularly given that it mainly applies to non-residential development, it would also conflict with UDP Policy ENV39 which requires that adequate provision is made for vehicle parking in accordance with the Council's standards.
17. The proposal would also conflict with the National Planning Policy Framework's stance that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, and with the advice in the DCG.
18. It is anticipated that London's ULEZ will expand to include this area, and the scheme would enable the current and future occupants to have an electrical vehicle charging point. Notwithstanding the site's accessibility to public transport, that could help in a very small way to improving local air quality and to addressing the global climate emergency. This counts as a modest benefit. However, the presence of nearby historic access points does not weigh in its favour, and the scheme's modest benefits do not outweigh the significant harm that I have found it would cause.
19. The scheme would conflict with the development plan when considered as a whole and, having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR