



Appeal Decision

Site visit made on 19 January 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/D5120/D/22/3307858
116 Carlton Road, Erith, Bexley DA8 1DU

- 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 B Berlojetchi against the decision of The London Borough of Bexley Council.
 - The application Ref 22/00377/FUL, dated 21 April 2022, was refused by notice dated 17 August 2022.
 - The development proposed is a drop kerb required for parking space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety.

Reasons

3. The appeal property is a semi-detached two storey house that is set steeply up from the street behind a long front garden with terraces and access steps. It is located in a run of similarly situated properties on the same side of the street.
4. The proposal is for the construction of a dropped kerb to the footway on the highway adjacent to the appeal property, which would enable access for a potential car parking space to the front garden of the property. Similar parking arrangements and concomitant dropped kerbs have been implemented to other neighbouring properties.
5. The proposal is for a dropped kerb access to a potential parking space that would be parallel to the highway and would have a width of approximately 5.6 metres and a depth of approximately 2 metres. The width of the potential car parking space would overlap with the location of an existing street lighting column that is situated to the rear of the footway.
6. The Council's Design and Development Control Guidelines 5 (D&DCG.5), as appended to The Bexley Unitary Development Plan (2004) (UDP), set out that for accesses onto the borough roads a minimum hardstanding of 4.8 metres long by 2.4 metres wide should be available within the curtilage, in such a way that no part of the vehicle need overhang the highway. It further sets out that the position of such accesses in relation to sightlines and features on the road should not create a hazard likely lead to an accident.

7. The depth of the potential parking area on the appeal property would be 0.4 metres short of the 2.4 metres set out in the D& DCG.5. This could likely lead to an overhang of the footway by a parked vehicle that would conflict with the use of the footway by pedestrians. This risks any vehicle using the potential parking area creating conditions prejudicial to highway safety.
8. Further, the potential parking area would also conflict with the location of the existing lighting column in the footway. This presents a risk of a vehicle manoeuvring into or out of the potential parking space colliding with the lighting column. There is also a significant danger to pedestrians if caught between a manoeuvring car and the column. There is nothing in the material provided to me to show that the lighting column would be removed or relocated.
9. The appellant has drawn my attention to other similar parking spaces and dropped kerb crossovers to other nearby properties. From my site visit it was clear that not all similar parking areas have related dropped kerb crossovers, including that to the neighbouring property at 114 Carlton Road. The parking area to the front of this neighbouring property, whilst being parallel to the highway appears to be considerably deeper than the 2.4 metres set out in the D&DCG.5 and does not conflict with any existing street furniture on the adjacent footway.
10. The other nearby properties with front parking spaces and related crossovers brought to my attention by the appellant, all facilitate parking at right-angles to the highway. These parking areas all appear to be significantly in excess of the parking space size guidance set out in the D&DCG.5. A recently approved¹ dropped kerb crossover at 47 Carlton Road would facilitate the use of an off-street parking area, which appears to be the whole front garden of the property and significantly in excess of the minimum size set out in the Council's guidance.
11. Whilst it is clear that the provision of dropped kerb crossovers for off street parking has been previously approved and provided for other properties in the street. However, none of these reflect the proposal in size or context and do not provide directly comparable exemplars, and I have I have considered the proposal on its own individual merits, which is a main tenet of the planning system.
12. For the reasons given above, I find that the proposal would result in a less usable and less safe pedestrian environment and would, therefore, cause significant harm to the effective use and safety of the highway. This would not accord with policy G18 of the UDP and the guidance in D&DCG.5, policy CS15 of the Bexley Core Strategy (2012), policies T1 and T2 of the London Plan (2021) and paragraph 111 of the National Planning Policy Framework (2021). These collectively seek to ensure that development supports safe and sustainable transport.

Conclusion

13. The appeal is dismissed.

Victor Callister

INSPECTOR

¹ Planning Ref: 21/03808/FUL