
Appeal Decision

Site visit made on 16 January 2023

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2023

Appeal Ref: APP/C5690/D/22/3310045

49 Baring Road, London SE12 0JP

- 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 Janet Clarke against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/22/127013, dated 28 May 2022, was refused by notice dated 10 August 2022.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for a dropped kerb at 49 Baring Road, London SE12 0JP in accordance with the terms of the application, Ref DC/22/127013, dated 28 May 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: PL001 and PL003.
 - 3) No development shall commence until details and samples of the materials to be used in the construction of the parking area have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the safety of users of the adjacent highway.

Reasons

3. The appeal relates to this semi-detached house which is located within a primarily residential area. In addition, there is a church and some commercial premises on the opposite side of Baring Road. The site also sits opposite the junction with Waite Davies Road. Although Baring Road does not appear to be a heavily trafficked road, I have noted that it accommodates a bus route.

4. I have also noted that a great number of existing properties along Baring Road have dropped kerbs which afford access to frontage parking areas, including properties on either side of the appeal site and the nearby flats at Gordon House. A number of these are also present at properties which sit opposite road junctions with side roads running off Baring Road and a number also appear to be of similar size to that currently proposed.
5. Although the appellant appears to suggest otherwise in her statement, it seems to me that it is inevitable that a vehicle parking at the appeal site would need to either reverse in or out of the site. This would be the same for a great many of the other properties that I observed. Due to the straight nature of the road and the wide pavement here, I consider that a driver emerging from the appeal site would have reasonable visibility of pedestrians, cyclists and vehicles. In addition, due to the positioning of the site in relation to the junction of Waites Davies Road, reasonable visibility of vehicles emerging from that road would be available. Whilst the Council refers to highway safety in its submission, I note that no records of accidents have been submitted, even in the presence of dropped kerbs on properties opposite junctions. Taking account of these factors I consider that the proposal does not pose an unreasonable threat to the safety of pedestrians and other road users.
6. In relation to the size of the proposed crossover, the Council indicates that it is wider than its normal standards. However, they have failed to submit any information in this respect and so I afford this matter little weight. In addition, I observed a number of crossovers which appeared to be of a similar size and some, where 2 properties are served by a single crossover, are wider. Additionally, the appellant indicates that the proposal would enable an electric car to be charged at the site and refers to the environmental benefits arising.
7. I have taken account of all matters that have been referred to in the submissions and conclude that the proposal would not give rise to dangerous manoeuvres and would not have an unacceptable effect on highway safety. Therefore, I find no conflict with Policy T4 of The London Plan and Policy 14 of the Council's Core Strategy.
8. In relation to conditions, I consider it necessary to include the standard time limit for commencement and one which identifies the approved drawings, for the sake of clarity. So that the development has an acceptable appearance, I shall include a condition which requires the approval of the surfacing materials of the forecourt.

Conclusion

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

T Wood

INSPECTOR