



Appeal Decision

Site visit made on 25 January 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Appeal Ref: APP/Z5060/D/21/3284758

320 Bastable Avenue, Barking IG11 0LL

- 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 Maze Architecture against the decision of London Borough of Barking and Dagenham Council.
 - The application Ref 21/01434/HSE, dated 25 July 2021, was refused by notice dated 29 September 2021.
 - The development proposed is 2 options for Vehicle Access to the Front of 320 Bastable Avenue Property with drop kerb, Option 1 is the preferred option.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant mentions two options that have been applied for. However, I have only the plans for the appellant's preferred option, Option 1, before me, on which the Council appears to have determined the application. I have therefore proceeded with the appeal on that basis.
3. A previous application was made by the appellant in 2018 for a similar scheme. This was refused due to the site being too close to the adjacent bus stop, failing to meet the Council's footway crossing criteria.

Main Issue

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

Reasons

5. The appeal site is a residential dwelling set back from a main road behind a pedestrian footpath and a separate paved area containing a bus shelter. This paved area extends across the front of the appeal site, providing space for bus users to stand while waiting for the bus. The appellant does not dispute that at times the bus stop is busy.
6. The proposal is for the construction of a dropped kerb and vehicle access across the pedestrian footpath and bus waiting area. The development would be to the left-hand side of the appeal site, such that it would be at the maximum possible distance from the bus stop sign and shelter.
7. There is a marked bay for waiting buses on the road in front of the appeal site, and this extends beyond the bus shelter and paved waiting area sufficiently to

accommodate two parked buses. I acknowledge that other properties have dropped kerbs and vehicle access onto Bastable Avenue including within bus parking bays and near to bus shelters. The neighbouring dwelling, 322 Bastable Avenue, has a crossover with vehicle access within the marked bus bay, but positioned to one side of the paved waiting area for pedestrians. Similarly, the dwelling at 7 Bastable Road has a crossover with vehicle access within a marked bus bay, but to one side of the pedestrian waiting area at that site. In contrast, the appeal scheme would involve vehicle access directly through the waiting area, where there may be pedestrians standing, waiting and queuing for buses at busy times.

8. I understand that the appellant has been using the neighbour's crossover and finds it unpleasant and inconvenient. However, whether or not such use is authorised, it does not involve driving through a pedestrian waiting area.
9. Although it may only happen infrequently that two buses are stopped inside the bus bay at the same time, vehicles needing to exit the appeal site would always have to cross the paved waiting area where pedestrians would expect to be able to stand safely, resulting in conflict.
10. Consequently, I conclude that the proposed development would have an unacceptably harmful effect on highway safety by reason of its close proximity to the existing bus shelter and impact on the associated waiting area. It would therefore be contrary to Policies BR10 of the Local Development Framework Borough Wide Development Plan Document 2011, Policies D8, T1, T3 and T4 of The London Plan 2021. Policy BR10 seeks to protect existing transport networks and encourage a modal shift away from private car use. Together, Policies D8, T1, T3 and T4 seek to ensure - amongst other matters - a safe and accessible public realm and the connectivity and accessibility of existing and future public transport. It would also be contrary to the aims of the National Planning Policy Framework which seeks to ensure new developments do not impact unacceptably on highway safety.

Other Matters

11. The appellant has highlighted that there are personal circumstances and health conditions which mean that the occupiers of 320 Bastable Avenue would benefit from being able to park close to their home. While I appreciate that being able to park on the frontage would be more convenient than having to travel to a vehicle parked elsewhere, there is no substantive evidence that the appellant's family's long-term health is dependent upon the availability of on-site parking. These matters are, therefore, of limited weight.

Conclusion

12. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal should not succeed.

J Wellstead

INSPECTOR