



Appeal Decision

Site visit made on 11 July 2023 by N Unwin BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2023

Appeal Ref: APP/G5180/D/23/3319864

Apsleys, 25A Orchard Road, Bromley BR1 2PR

- 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 & Mrs H Watt against the decision of the Council of the London Borough of Bromley.
 - The application Ref 22/02808/FULL6, dated 14 July 2022, was refused by notice dated 24 March 2023.
 - The development proposed is for the replacement of front boundary wall and sliding vehicular gate granted.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of front boundary wall and sliding vehicular gate at Apsleys, 25A Orchard Road, Bromley BR1 2PR in accordance with the terms of the application, ref: 22/02808/FULL6, dated 14 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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 plan: 5692-22-PL001 P3.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing boundary treatment.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description in the banner heading above is taken from the planning application form. For the purposes of this decision, and in the interest of preciseness, I have used the description given on the decision notice and the appeal form.

Main Issue

4. The effect of the proposal on highway safety with specific regard to the free flow of traffic, cyclists and pedestrians.

Reasons for the Recommendation

5. The appeal site, like many surrounding properties, forms a large, detached dwelling adjacent to but set back from Orchard Road. During my site visit I observed speed bumps along this section of Orchard Road with vehicle speeds appearing commensurate with its residential location. Whilst I recognise that my site visit represents a snapshot in time, I have not been presented with any evidence to contradict this. The road curves gently at the entrance to the appeal site with good visibility provided in both directions when exiting onto Orchard Road. Furthermore, the appeal site entrance is visible by motorists, cyclists, and pedestrians at a modest distance from both directions along the highway. Other gated entrances adjoining the highway were present within the area, most notably at No 25 Orchard Road.
6. A substantial parking area is located to the front of the appeal dwelling with a partly damaged wall adjoining the boundary with the highway. Photographs within the Design and Access Statement accompanying the original application depict a wall and low vehicular gate along the boundary with Orchard Road providing access. The Council describe the proposal as the replacement of the front boundary wall and sliding vehicular gate, raising no concerns regarding the original wall and gates' lawfulness. There is no evidence before me to suggest that the original boundary wall and sliding gate were not lawful. As such, there is a greater than theoretical possibility that should planning permission be refused, the original wall and sliding gate would be repaired and reinstated.
7. In any event, the proposal would be similar to the original boundary wall and sliding gate which it would replace, with the exception being an increase in width of the access by approximately 0.8 metres and an increase in the height of the sliding gate to match that of the existing boundary wall. Given their similarities, the proposal would be no more harmful to highway safety than the original arrangement. In any case, the limited vehicle speeds and more than adequate visibility of the appeal site entrance along this section of Orchard Road means that any delay in vehicles entering the appeal site would be unlikely to have an unacceptable impact on highway safety or the road network by disrupting the free flow of traffic, cyclists or pedestrians.
8. The proposal would not therefore have an unacceptable impact on highway safety. It would therefore accord with Policy 32 of the London Borough of Bromley Local Plan (2019) which requires new development to not significantly adversely affect road safety.

Conditions

9. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plan for certainty. In the interests of the character and appearance of the area, a condition relating to materials to match that of the existing boundary treatment is also necessary.

Conclusion and Recommendation

10. For the reasons given above, the appeal scheme would comply with the development plan. As such, I recommend it be allowed, subject to the conditions set out.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's recommendation and on that basis I allow the appeal.

John Morrison

INSPECTOR