



Appeal Decision

Site visit made on 21 November 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/G5180/W/23/3323140

69A Albert Road, Bromley BR2 9PZ

- 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 Gosling Street Limited against the decision of the Council for the London Borough of Bromley.
 - The application Ref DC/22/02861/FULL1, dated 19 July 2022, was refused by notice dated 6 April 2023.
 - The development proposed is the demolition of existing buildings and structures on the site and erection of 2 three bedroom and 4 two bedroom houses, together with alterations to existing access and associated car and cycle parking and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development is prejudicial to highway safety having particular regard to access arrangements and parking provision.

Reasons

3. The site is set within a residential area which is characterised by semi-detached and terraced houses addressing the street in a close-knit linear fashion. Number 69A Albert Road comprises a former commercial/industrial site which is sandwiched between properties addressing Albert Road and Balfour Road. The site is broadly rectangular with its single point of access being taken from a narrow dogleg onto Albert Road between numbers 67 and 69.

Access

4. The internal arrangement of the site is such that there is one turning head available. This turning head would allow vehicles to park and manoeuvre into their designated bays. However, were all bays to be fully occupied, this turning head would be highly constrained, with sufficient room for only a car or light van to turn. Even then, according to the tracking plan provided, a van would have to make a five-point turn.
5. The access to the site is narrow, at 4.2 metres. The access road is bounded by fences and the side walls of houses to both sides. Although 4.2 metres is, on paper, sufficient for two vehicles to pass, the proximity to the walls of houses and garden fencing leads me to conclude that it is unlikely to be adequate. Indeed, the tracking diagrams submitted with the application indicate that, due to the sharp corners at each end of the access, vehicles would have to swing

into the centre of the access road to make turns. This would negate the access road's width in these locations. Indeed, the corners are such that, due to fencing or parked vehicles, these corners would have very minimal forward visibility.

6. Vehicles would no doubt often wait at either end were an oncoming vehicle to be encountered. This is especially the case if the access road were being used by cyclists or pedestrians at the same time. There is a high propensity for this to occur given the lack of other pedestrian access and no dedicated footpath.
7. This situation is further compounded by a lack of waiting space at either end of this access road. In practice, this could result in vehicles reversing onto Albert Road or back into the site were there to be a conflict. This escalates the probability of meeting another vehicle, pedestrian or cyclist. Given the high parking stress in the area, Albert Road is effectively a single lane road; thus giving vehicles reversing out of the site or along Albert Road a further chance of encountering other vehicles or pedestrians.
8. Moreover, 69 Albert Road has its front door directly onto this access road. I am particularly concerned that residents of this property could step out of their front door and directly into the path of an oncoming vehicle. Should this scenario occur, it is one that could be of great severity.
9. The width of the access road, lack of turning and manoeuvring space within the site, and at the junction with Albert Road means that vehicles larger than a van could not access the site at all. Refuse collection would have to be made from Albert Road. This would lead to a refuse bin drag distance in excess of 50 metres and proliferation of refuse bins along Albert Road on collection days.
10. Of further concern is the difficulty for firefighting access as emergency appliances would not be able to access the site. Although the London Fire Brigade did not make any representations in relation to the application or this appeal, a lack of response is not an indication of a lack of concern, as has been highlighted by the Highway Authority.
11. Reference has been made to the previous use of the site and that the proposed use for six dwellings could generate less vehicle trips. However, the site was previously occupied by a single user with a greater degree of control of the use of the access and sufficient space within the site for multiple vehicles to park and manoeuvre.
12. I have noted the road safety audit. However, this document refers to a previous scheme. It further identifies issues which do not appear to have been addressed adequately in this proposal – including the access and manoeuvring within the site and junction with Albert Road and the proximity of number 69's front door to the access road. Moreover, the audit has not addressed numerous matters raised by the Highway Authority, Council and neighbouring residents.
13. It has been highlighted there have been no vehicle collisions in the area resulting in personal injury whilst data has been collected. However, this relates to the current and formerly existing road conditions. My concern here is directed towards the use of the proposed access and related arrangements which are materially different to existing conditions.
14. I conclude that the development would be prejudicial to highway safety and in conflict with policies 4, 32 and 33 of the Bromley Local Plan 2019 (BLP),

policies D3, D12 and T4 of the London Plan 2021 (LP) and the provisions of the National Planning Policy Framework (the Framework). These policies are quite clear in their stated intent, insofar as any conditions which would result in a deleterious effect on the free flow of traffic or impact the safety and convenience of users should be resisted. Moreover, situations that present a danger to members of the public or residents, such as a vehicle collision or inadequate firefighting, will not be permitted.

Parking

15. The area is within a Public Transport Access Level (PTAL) measured area of 2 therefore offering comparatively low levels of public transport accessibility. At the same time, the parking stress survey for surrounding streets indicated a parking stress level ranging from 89% to many instances where overnight parking was fully occupied.
16. The proposed development is for six houses with a total of seven parking spaces available. Policy T6.1 of the LP specifies a maximum of five spaces for this development whilst policy 30 of the BLP nominates seven spaces. As such, on a numerical basis, the development is in accordance with development plan requirements.
17. I recognise the difficulty for existing residents in terms of locating parking in an area of high parking stress. A matter which is no doubt frustrating and inconvenient and invariably compounded by the proximity to shops along Chatterton Road, the ambulance station and MOT garage. Despite the recognised parking stress in the area, a new development is not required to mitigate an existing parking shortfall. In this instance there would be no greater on-street parking demand created by the development.
18. As the levels of parking provision offered for the proposed dwellings are in accordance with those required under LP and BLP requirements; the development accords with policy T6 of the LP and policy 30 of the BLP insofar as it relates to numbers of vehicle parking spaces provided.

Other Considerations

19. The Council cannot demonstrate a five-year supply of deliverable housing sites. The undersupply is acknowledged as significant by the Council. Consequently, the provisions of footnote 8, paragraph 11(d)ii of the Framework should be applied.
20. The Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework and, in this instance, the proposal would be harmful to highway safety. The Framework promotes development that creates spaces with a high standard of safety for existing and future users. I give significant weight to the conflict between the proposal and policies 4, 32 and 33 of the BLP and, policies D3, D12 and T4 of the LP in this regard. That the development complies with the development plan in respect of parking provision attracts neutral weight.
21. Set against the identified harm, the proposal would make an efficient use of land within an existing urban area and meet the Framework's objectives of boosting the supply of housing. However, the benefits associated with a relatively small number of new dwellings would, in the context of the Borough's overall shortfall, still be relatively minimal. Nevertheless, given the apparent

persistence of the housing supply shortage I give the provision of these additional dwellings, in these circumstances, moderate weight.

22. However, the adverse impact on highway safety for existing residents and potential future occupants would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

23. I conclude that the proposal would conflict with the development plan, read as a whole, and there are no material considerations of sufficient weight to indicate that a decision should be made otherwise than in accordance with it. Therefore, the appeal is dismissed.

Nick Bowden

INSPECTOR