



Appeal Decision

Site visit made on 27 November 2023 by A Khan BSc (Hons) MA

Decision by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2024

Appeal Ref: APP/G5180/D/23/3329231

161 Village Way, Beckenham, Kent BR3 3NL

- 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 Jan Martinek against the decision of the Council of the London Borough of Bromley.
 - The application Ref is 23/02028/FULL6.
 - The development proposed is vehicular access and 1 car parking space.
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Decision

1. The appeal is dismissed.

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 Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The description of development provided in the application form has been amended in subsequent documents. I have adopted the description of development provided in the appellant's Grounds of Appeal as it accurately reflects the proposal before me.

Main Issues

5. The main issues in the appeal are the effect of the proposal on the character and appearance of the area and highway safety.

Reasons for the Recommendation

Character and appearance

6. The area comprises semi-detached dwellings with front gardens and low boundary walls which contribute to a relatively green and spacious character within the area. An absence of driveways, and predominance of on-street parking are also characteristic to the surrounding area. On-street parking on Village Way is prevalent to the south of Beck Way, in which the appeal site lies.
7. The proposal would introduce a hardstanding surface to a predominantly green garden area and partially remove the low boundary wall to accommodate a parking space. A landscaping condition for a permeable grass surface would partially retain the green frontage, allow for water absorption and maintain load on existing road drainage system. However, this would not mitigate the harm caused by the proportion of the frontage altered to create a parking area. The proportion of garden space and boundary wall lost in addition to the introduction of a parked vehicle in front of the host dwelling would significantly erode the landscaped character and appearance of the area.
8. As a result, the proposal would be contrary to the London Borough of Bromley Local Plan [2019] (LP) Policy 37, which requires that development positively contribute to the existing street scene and for space around buildings to create attractive landscaping.

Highway safety

9. The proposed vehicular access would be located on a road with predominantly on-street parking, thus narrowing the two-way carriageway to one vehicle at a time in places. The existing on-street parking may cause congestion due to the high flow of traffic, however, the loss of on-street parking could potentially increase traffic hazards as vehicular speed would be less controlled. Although off-street parking may widen the street, the prevalence of on-street parked vehicles means the proposed vehicular access would have little impact on lowering emission, noise and traffic disruption.
10. The appellant has referenced two applications for vehicular access that were granted planning permission. One was located at the opposite end of Village Way which has a prevalence of driveways and lack of front gardens, therefore a different character to the appeal site. The other was granted permission over thirty years ago. Consequently, these few positive decisions do not establish a clear precedent that enables me to afford more than limited weight to them, and, in any event, it is necessary to consider each case on its own merits.
11. The proposed vehicle access would require the vehicle to reverse either onto or off the road. Due to the predominance of on-street parked vehicles, along the eastern side of the highway, this greatly reduces the sight lines. This would require the vehicle to drive into the road before turning with extremely limited visibility due to parked vehicles obstructing views. This action would increase the collision risk, taking into consideration the busy nature of Village Way, where an emerging vehicle would be a traffic hazard to oncoming vehicles.

Therefore, the proposal would have a significant adverse effect on highway safety.

12. The Appellant's road safety audit demonstrates that a vehicle could turn into and out of the site. I understand it also recommended a white H bar be applied to the road surface to show access into the driveway. However, such a safety measure would not be enforceable. Moreover, this measure would not address the identified manoeuvring concerns through the use of the proposed access.
13. The proposal would allow the appellant to install an electric vehicle charger to support the provision of an electric vehicle, as charging parked vehicles on-street would create a trip hazard. Such a provision would allow for more sustainable travel methods. However, the appellant also has provision to do this from their existing rear garage and therefore providing a gain of limited weight to the proposal.
14. Accordingly, the proposal would be contrary to LP Policies 32 and 34 which require that new vehicle accesses do not significantly affect road safety requirements.

Conclusion and Recommendation

15. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Ben Plenty

INSPECTOR