



Appeal Decision

Site visit made on 4 June 2024

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/E5330/W/23/3327968

9 Warwick Terrace, Plumstead, London SE18 1QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Adeil Qammar against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/1492/HD.
 - The development proposed is dropped kerb to front of property and associated alterations to existing hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have also dealt with an appeal proposing a single storey rear extension at the appeal site. That proposal is the subject of a separate decision¹.

Main Issue

3. The main issue is the effect of the proposal on the safety and convenience of pedestrians and users of the highway.

Reasons

4. The appeal proposal includes the removal of a wall and railings along the front boundary of 9 Warwick Terrace and the installation of a dropped kerb. This would enable parking on an area of hardstanding to the front of the dwelling.
5. The appellant does not dispute that the hardstanding in front of the dwelling does not meet the minimum depth of 4.8m that the Council indicates would be required for use as parking. Furthermore, I note that the submitted plans do not show the projecting bay window and canopy porch that I saw were present to the front of the dwelling. These features reduce the depth of much of the frontage, with the sketch plan in the appellant's Design, Access and Heritage Statement ('DAS') suggesting a depth of only 4.2m between the window and the footway. Based on my observations, the supports to the canopy porch project a similar distance forward of the dwelling to the bay window. While small parts of the frontage may have a depth of around only 0.2m short of the requirement, the greater proportion would be closer to around 0.6m short.
6. The dimensions of the frontage may be sufficient to accommodate some vehicles, including the appellant's current car. However, the appellant could change vehicles, and I also need to consider future occupiers who may have

¹ Appeal reference APP/E5330/W/23/3333832

larger vehicles. Even the average UK car length of 4.4m as suggested in the appellant's appeal statement would exceed the depth of the frontage, and some would be larger than this overall average. Accordingly, I am not satisfied that most vehicles could adequately park on the frontage as the appellant suggests. Instead, I consider that there would be a reasonable prospect of vehicles overhanging the footway, potentially for some distance. I have considered whether planning conditions might control the type of vehicle parked on the site or require no parking over the footway. However, I am not persuaded that these would be reasonable or enforceable so as to offer an effective means to mitigate the risk of overhanging vehicles. This overhang would present an obstruction to pedestrians.

7. I do not dispute that doors of vehicles parked on the road opening over the footway would similarly cause obstruction, but such events would be likely to be short-lived and capable of being quickly cleared by drivers/passengers closing doors in order to allow someone to pass. In contrast, obstruction from vehicles parked on the frontage of the appeal site could persist for much longer periods.
8. The appellant highlights that parking to the frontage of 5 Warwick Terrace has not resulted in any personal injury accidents and that the footway past the appeal site is wider than typical. That may be, but it is located close to shops and a school which would be likely to generate significant footfall at peak hours and obstruction here could well restrict passing, particularly where individuals have pushchairs or mobility difficulties. That a similar degree of obstruction could occur nearby at No 5 is not in my view a compelling reason to allow an additional potential pinch point.
9. Given these factors, I find that the proposal would cause some detriment to the free flow of pedestrian movements with potential harm to highway safety.
10. Moreover, the proposal would remove on-street parking to the front of the site. An additional space would be created on the frontage, but this would only be available to the appellants, even when their vehicle was not present, and so would not offer a direct replacement for the unrestricted on-street space that could potentially be widely used. At the time of my visit, on-street parking on Warwick Terrace and Old Mill Road nearby was well used with few spaces available. I appreciate that this is only a snapshot. However, while photographs in the appellant's statement show spaces to the front of the site on two instances in the late evening, there is no parking survey or other substantive evidence before me to demonstrate that my observations were unusual. I am therefore unable to conclude that there is not existing parking pressure in the area. Nor can I determine that pressure would not be harmfully exacerbated by the proposal resulting in frustration and additional traffic movements as vehicles search for parking or obstructive parking both of which outcomes could increase potential for conflict between highway users.
11. In combination, I find that the inadequate depth of the appeal site frontage together with the failure to demonstrate that pressure for parking would not be harmfully increased would cause unacceptable harm to the safety and convenience of pedestrians and users of the highway. The harm would be modest given the small scale of the proposal, but would result in conflict with Policy T2 of the London Plan 2021 ('the LP') and Policies IM4 and IM(b) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies 2014 ('the CS').

Together and amongst other things, these policies broadly seek to prioritise the needs of pedestrians including those with disabilities and to facilitate walking; and require high standards of safety, accessibility and convenience.

12. The reason for refusal refers additionally to Policies T6 and T6.1 of the LP and Policy IM(c) of the CS which stipulate requirements for the provision of parking. However, the Council's evidence does not explain how there would be conflict with these policies, and they do not alter my conclusion on the main issue in this case.

Other Considerations

13. The Council indicates that there is no planning history for the dropped kerb at 5 Warwick Terrace. While I appreciate that it is an existing feature, its presence is not therefore determinative in my assessment of the planning merits of the appeal which I must consider in light of relevant development plan policy and guidance. Similarly, the very limited details presented of examples of dropped kerbs to properties on Old Mill Road and Chestnut Rise which are highlighted in the appellant's DAS do not demonstrate that their circumstances are directly comparable to the appeal scheme. In any case, these examples do not establish a lack of harm, nor offer a compelling justification to allow further development which I have found would cause harm to the safety and convenience of pedestrians and users of the highway.
14. I have noted references to a health condition affecting an occupier of the site. However, the evidence before me does not clearly explain any link between any health issues and a need for the appeal development. Nor is there any substantive detail of an existing safety concern affecting family members including children. As a consequence, any specific need for the development is not clear. Furthermore, there is no firm detail to demonstrate that any need which might exist could not be met by alternative measures. In particular, the Council's Highways consultee has highlighted garages between 6 and 7 Warwick Terrace and I have no information indicating whether these have been explored and discounted as a potential solution. I do not dispute that the proposal might benefit the appellant's family, but in this context, I find that personal circumstances are not sufficient to outweigh the harm that I have identified.
15. The suggested installation of an electric vehicle charging point on the site would accord with objectives in the development plan and national policy seeking to support transition to lower carbon, but use of the development by only electric vehicles could not be assured.
16. Even taken together, I find that the other considerations in support of the proposal would be insufficient to outweigh the harm which it would cause.

Conclusion

17. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR