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# Appeal Decision

Site visit made on 27 June 2024 by L. Clark MSc MRTPI

**Decision by John Morrison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2024**

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**Appeal Ref: APP/C5690/D/24/3340965**

**45 Loampit Hill, Lewisham, London SE13 7SZ**

- 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 Jack Scarborough against the decision of the Council of the London Borough of Lewisham.
  - The application Ref is DC/23/133076.
  - The development proposed is described as 'the provision of a vehicular crossover at 45 Loampit Hill SE13'
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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 Matter

3. I have taken the above description from the application from which, for my purposes, sufficiently identifies the development to which the appeal relates.

## Main Issue

4. The main issue is the effect of the proposal on highway safety.

## Reasons for the Recommendation

5. There is an existing vehicle cross over which the appeal site shares with a neighbour. Loampit Hill carries the A20. The proposed development would cross over a designated cycle lane and a footway. There are several other local properties that have vehicular access onto the A20. There is a nursery school nearby, a traffic light controlled crossing a short distance away at the top of the hill and the speed limit in the immediate vicinity is 20 miles per hour. Traffic conditions are therefore steady but there is a near constant stream passing the site.
6. I remain to be convinced, in the absence of corroborative evidence, that a vehicle using the parking space created to the front of the dwelling would be able to enter and exit the site in forward gear, particularly when obstructing vehicles are parked in front of the neighbouring dwelling. Due to the amount of space between the front of the appeal property and the back edge of the footway, there would therefore be insufficient in site turning space to always

ensure a forward manoeuvre in and out. Any vehicle using the parking space created out of the proposed development would therefore have to enter or exit backwards.

7. Should a driver be reversing into the road, their visibility would be hindered by the direction of travel. This increases the likelihood of conflict between a vehicle, pedestrians and users of the designated cycle lane. Any effects in these regards would be exacerbated by the use of the footway by small children during school hours. The same effects would arise with a vehicle reversing into the access, with the added impedance to the free flow of traffic when a vehicle would stop in the carriageway to commence the manoeuvre.
8. The Council has expressed concern over visibility out of the proposed access due to the presence of walls and boundary vegetation. This could be a complicating factor to my concerns, but the scheme would include the removal of the existing front boundary wall (which was part demolished at the time of my site visit), and except for a single tree further up the hill from the proposed access point the immediate area is relatively unincumbered by other obstacles.
9. That said, the proposed development would nevertheless give rise to an unacceptable impact on highway safety and would thus be at odds with Policies T4 of the London Plan (2021), CS14 of the Lewisham Local Development Framework Core Strategy (2011) and paragraphs 114 & 115 of The National Planning Policy Framework (2023). These seek to ensure, amongst other things, that highway safety is secured through development proposals.
10. Policy 29 of the Lewisham Development Management Local Plan (2014) appears to be concerned with parking standards which were neither a contentious matter for the appeal or relevant to the main issue. I have not therefore referred to it in my conclusions against the development plan.

### **Other Matters**

11. I am unsure as to the status of the other examples of vehicular access points such as when they were permitted or indeed if they have express planning permission. Given the harm I have found, I am not persuaded to recommend allowing the appeal in their light. There are also other side roads feeding onto the A20 of which users will be aware but the use of them and particularly how they access the A20 would not involve the same problematic manoeuvres as the appeal scheme. The reduced speed limit may be a mitigating factor to the potential for any conflict within the highway, but it would not satisfactorily address the possibility given the constant nature of the traffic flow and the movements of vehicles involved in the proposed development's operation.
12. The traffic lights at the top of the hill did, at the time of my site visit, result in traffic queueing past the proposed access but this was for a very limited time due to their short phasing and in any case, blocking traffic would be an exacerbating factor to the success of the manoeuvres required for the appeal scheme to function. In addition, the lack of accident data does not indicate that one would not arise from the proposed development.
13. No sufficiently compelling evidence has been provided to explain why a vehicular crossover needs to be provided to meet the needs of the family for travel purposes, particularly when there is a shared one on site already and a high Public Transport Accessibility Level rating. Further, whilst the installation

of an electric vehicle charging point is laudable and could be secured by planning condition should it be deemed reasonable and necessary, its delivery would not be reliant on the appeal scheme.

14. The proposed development would likely comply with the development plan in other respects such as, for example, in the context of the character and appearance of the area and the living conditions of neighbours. This and the lack of harm in these respects would however be neutral matters that would not weigh in favour of the appeal scheme.

### **Conclusion and Recommendation**

15. For the reasons I have set out, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

*L Clark*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*John Morrison*

INSPECTOR