



Appeal Decision

Site visit made on 6 August 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th September 2024

Appeal Ref: APP/W5780/D/24/3345506

95 Beehive Lane, Ilford, Essex IG1 3RN

- 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 Asha Kainth against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 3657/23.
 - The development proposed is a dropped kerb.
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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. The description on the application form is extensive. It includes other information in respect of the existing driveway at the appeal address and a visit from members of the Council's highways team. In the interests of conciseness and clarity the description in the appeal banner heading relates solely to the development proposed although regard has been given to the other information in the assessment of the appeal.

Main Issue

4. The main issues are:
 - (i) whether the proposal would give rise to highway safety issues and/or inconvenience for road users and pedestrians on Beehive Lane; and
 - (ii) if there is any harm identified under the main issue, whether such harm is outweighed by the personal circumstances put forward by the appellant.

Reasons for the Recommendation

Highway safety

5. 95 Beehive Lane (No 95) is a mid-terraced house located close to the junctions with Wanstead Lane and Clarence Avenue which form a crossroads with Beehive Lane. From my observations on site, these roads are well-trafficked most notably Beehive Lane (the B192) which links Ilford to the main arterial

- route of the A12. No 95 has a small, hard paved frontage and there is a widened section of footway adjacent to the site which includes a lamppost to the front of No 95. There is also a crossing point flanked by bollards on the footway and a pedestrian island within the road, both of which are closely aligned with the frontage of the adjoining property, 93 Beehive Lane (No 93).
6. The dropped kerb vehicular crossing would facilitate vehicular access between the road on Beehive Lane and the hard paved area to the front of No 95. The parameters of the hard paved area are such that they are unlikely to provide sufficient turning space to enable cars to leave the site in a forward direction. Consequently, there is the potential that drivers would use the footway including that in the immediate vicinity of the pedestrian crossing to turn vehicles around, or instead would reverse across the footway onto the road. In the alternative, vehicles arriving at No 95 would need to reverse onto the hard paved area so that vehicles could then leave in a forward direction.
 7. Due to the close proximity of the crossroads and pedestrian features adjacent to the site, there is a propensity for pedestrians and vehicles to be approaching the site from multiple directions. Reversing onto or from the highway means that drivers would not have optimum visibility of their surroundings. Therefore, the proposal would result in an unacceptable increased risk of conflict between vehicles associated with No 95 and other users of the highway. In terms of the efficient use of the highway, the proposal could also result in inconvenience for other users of the road and the footway in instances where they would be required to wait while reverse manoeuvres are carried out.
 8. Noting the highways officer's objection to the proposal, it is also unclear whether relocation of the lamppost to the front of No 95 would be supported. This feature would likely further hamper vehicular movements associated with No 95, and this adds to my concerns.
 9. Even if the single yellow line road markings across the site frontage allow for on street parking in the evening, this does not overcome my concerns in respect of vehicle manoeuvres to and from No 95, particularly during the busiest periods of the day. Moreover, parked vehicles on the road close to the proposed dropped kerb vehicular crossover could further impede driver visibility, thereby adding to the identified risks.
 10. I acknowledge that some of the properties along this section of Beehive Lane are served by dropped kerbs. In terms of those closest to the appeal site, the evidence before me indicates that the dropped kerb serving the immediate neighbouring property at 97 Beehive Lane was approved in 1995, well before the adoption of the current development plan. No 91 Beehive Lane (No 91), although sited next to the junction with Wanstead Lane, is further from the pedestrian crossing and No 93 includes vehicular access to the side onto Wanstead Lane. I am also unaware whether the dropped kerbs serving Nos 91 and 93 benefit from planning permission and if they do whether they were approved having regard to the existing local and national planning policy requirements. Therefore, these examples do not alter my findings in respect of the site-specific harm that would result from the appeal proposal.
 11. The appellant suggests that the pedestrian island was removed on the 23 May 2024 and has provided a photograph showing the road without the pedestrian island. However, at the time of my site visit, a pedestrian island was present and therefore it is unclear whether the previous removal of the island was an

interim measure prior to its reinstallation. There is no evidence before me to suggest that the current pedestrian crossing point and island are to be permanently removed in the future.

12. I understand that a local law firm has advised the appellant that there have been no recorded accidents relating to vehicles using dropped kerb access points on Beehive Lane. It is unclear whether the law firm in question would have access to comprehensive accident data and no detailed evidence has been provided in respect of any such enquiries made. In any case, given the site-specific circumstances described, this does not overcome my concerns in respect of the potential effects of the appeal proposal.
13. Consequently, the proposal would have an unacceptable effect on pedestrian and highway safety. In that regard, the proposal would conflict with Policy T2 (Healthy Streets) of The London Plan (2021) which requires that development proposals reduce the dominance of vehicles on London's streets and contribute towards the 'ten healthy streets indicators', which include 'easy to cross' and 'people feel safe'.
14. The Council's delegated report also references Policy T4 of the LP 2021. This policy requires that development proposals should not increase road danger and the proposal would also conflict with this requirement. For the same reasons the proposal also conflicts with the requirements of the National Planning Policy Framework (the Framework) which at paragraph 115 confirms that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.
15. The Council's decision notice also refers to Policy LP23 (Cycle and Car Parking) of the Redbridge Local Plan (2018). That particular policy is primarily concerned with the provision of cycle and car parking rather than highway safety matters. While I have therefore not identified any specific conflict with this particular policy, this does not overcome the other identified conflict with the development plan and the Framework.

Personal circumstances

16. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
17. I have carefully considered the reasons why the appellant has applied for planning permission. The evidence before me indicates that the appellant who resides at No 95 has mobility issues. I sympathise with this situation and understand the desire for more convenient vehicular access. I also acknowledge the difficulties that would continue to be experienced for the occupier of No 95 without the proposed development. This is a personal circumstance to which I afford weight in favour of the appeal.
18. I have given due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.

19. However, in weighing the personal circumstances in the balance, this has to be considered against the unacceptable effect that the development would have upon highway safety. In this regard, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the safety of users of the highway can be reasonably safeguarded. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights. Overall, the personal circumstances put forward in this instance do not outweigh the unacceptable effect on highway safety.
20. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the development plan.

Other Matter

21. I am aware that planning permission was granted for a dropped kerb at the property in 2013¹. Any invoicing issues regarding payment between the appellant and the relevant authorities for implementation of the dropped kerb in that instance are not a matter for me to resolve in the consideration of the current appeal. It is not clear whether any positive feedback from the highway team was from those responsible for potential groundworks or those responsible for assessing highway safety matters. In any case, I have assessed the proposal on the basis of the current site circumstances and development plan requirements also having regard to the objection from the highways officers made during the application process. Furthermore, as the previous planning permission was never implemented and is no longer extant, it does not constitute a fallback position which would provide support to the current proposal.

Conclusion and Recommendation

22. For the reasons given above, I recommend that the appeal should be dismissed since it would conflict with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR

¹ LPA Ref 1179/13