



Appeal Decision

Site visit made on 14 May 2024 by A Khan BSc (Hons) MA MSc

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/D5120/D/24/3338041

Toucy Rectory Lane, Bexley, Sidcup DA14 4QW

- 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 Mrs June Bodie against the decision of the Council of London Borough of Bexley.
 - The application Ref is 23/02708/FUL.
 - The development proposed is "Replacement fence at front of property on Rectory lane & top of knoll road at a height of 54 inches or 1.4m. Fence repairs along knoll road to existing height. Addition of 2 sets of gates as same height as fence (black ironmongery)."
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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 National Planning Policy Framework (the Framework) was revised during the life of the appeal. The substantive elements thereof as they relate to the appeal scheme have not changed. I am therefore satisfied that there is no need to seek the views of the main parties.

Main Issue

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

Reasons for the Recommendation

5. The proposal includes a new front boundary fence and metal gate on the western side of the appeal site. The boundary fence is consistent with other varied boundary treatments in the area and, as such, would not cause highway safety concerns. The metal gate on the western side of the appeal site would be set back from the site boundary in order for a vehicle to safely pull off the highway, and therefore does not raise highway safety concerns.
6. However, the second proposed metal gate would be located at a mini roundabout road junction by Knoll Road. Although a residential road, I observed on my site visit that this junction had a moderate level of vehicular

traffic. I acknowledge the appellant's submitted collision data. However, the gate would be located on the site boundary, and the footpath depth is not wide enough to safely accommodate a vehicle waiting for the gate to open when entering the site from the road. Therefore, this would cause an obstruction at the mini roundabout and would have an unacceptable impact on highway safety.

7. Although the appellant maintains the proposed fencing and gate would restore an original feature that did not previously cause harm, the traffic conditions of this original period are not known. The appellant states the gate located adjacent to the mini roundabout would not be intended as a main access. However, there is no presented mechanism to ensure this. Consequently, there is no reassurance that this gate would not be used as a main point of access and the highway safety concerns mentioned above stand.
8. Properties in the area with boundary access gates are not located at the mini roundabout, therefore have less impact on the vehicular traffic and are not a similar comparison to the proposed gate adjacent to the mini roundabout.
9. Therefore, the proposal would be contrary to the Bexley Local Plan (2023) (LP) Policy SP10, which requires that development promote highway safety, and LP Policy DP24, which requires that development should not have a significant negative effect on the safety of any users, nor a significant cumulative negative impact on the operation or efficiency of the local road network. The proposal would also be contrary to the Framework Paragraph 115 which states that development should be refused if there would be an unacceptable impact on highway safety or have severe residual cumulative impacts on the road network.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

A Khan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Mr A Spencer-Peet

INSPECTOR