



Appeal Decision

Site visit made on 15 October 2024 by M Long BA(Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/D5120/D/24/3346943

106 Howbury Lane, Erith DA8 2DR

- 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 Sunny Kumar against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/00670/FUL.
 - The development proposed is a vehicle crossover.
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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 Council has referred to its Design and Development Control Guideline 5 (DDCG5). While the copy provided refers to the Unitary Development Plan (2004), which has since been replaced by the Bexley Local Plan (2023) (LP), there is nothing before me to suggest that DDCG5 has been replaced by any new guidance. Therefore, I have had regard to it as a material consideration.

Main Issues

4. The main issues are the effect of the proposal on:
 - highway safety;
 - the availability of on-street parking in the area; and,
 - surface water runoff.

Reasons for the Recommendation

Highway safety

5. The mid-terrace appeal dwelling is set back from the highway with a modest paved forecourt. Whilst some properties on Howbury Lane do not have off-street parking, several properties have forecourts which are of varying size and which are utilised to park vehicles. In the immediate vicinity of the appeal site there are double-yellow lines and a bus stop on the opposite side of the

road. This means that on-street parking occurs to the side of the road where the appeal site is located.

6. From what I have seen, the dimensions of the forecourt on the appeal site satisfy the minimum hardstanding dimensions of 4.8m long and 2.4m wide as set out in the DDCG5. In this regard, the forecourt could theoretically accommodate a stationary vehicle without it overhanging the highway. Also, there does not appear to be a presumption against parallel parking layouts contained within the submitted guidance or LP Policies.
7. However, given the modest depth of the forecourt, drivers would likely need to undertake excessive manoeuvring in order to fit a vehicle wholly within the forecourt. There is also the likelihood that not all such manoeuvres could be undertaken within the forecourt and that drivers would need to either reverse into or from the site which would mean that drivers would not always have optimum visibility of their surroundings. There is also the potential that driver visibility would be impeded by parked vehicles to either side of the proposed dropped kerb. Consequently, when such manoeuvres are being undertaken, there would be unacceptable increased risk and inconvenience for other users of the highway both in terms of pedestrians and other vehicles.
8. I conclude that the proposal would be harmful to highway safety. It would conflict with Policy DP24 (Impact of development on the transport network) of the LP which sets out that proposals should not have a significant negative effect on the safety of any users, including vulnerable users of the transport network such as pedestrians and cyclists. There would also be conflict with the National Planning Policy Framework (the Framework) which seeks to prevent development that would have an unacceptable impact on highway safety.

Availability of on-street parking in the area

9. The Council suggests that the appeal property is located within a Controlled Parking Zone (CPZ). However, there is no detailed evidence before me to show the extent of the CPZ or any specific controls that are in place. During my site visit, I observed no signage in close proximity to the site to indicate that a CPZ is in operation. In any case, the Council suggest that the proposal would result in the loss of an on-street parking space. Even in the absence of a parking stress survey, I have no compelling evidence before me to suggest that parking stress levels are such that the modest extent of the dropped kerb would have a material effect on the availability of parking in the area.
10. I conclude that the proposal would not have a significant effect on the availability of on-street parking in the area. In that regard, there would be no specific conflict with the parking management requirements of Policy DP23 of the LP.

Surface water runoff

11. The Council has raised concerns that the retention of non-permeable hardstanding together with the loss of soft landscaping within the front garden area would likely give rise to adverse surface water runoff. I did not observe any soft landscaping at the front of the property. Nevertheless, the proposal would formalise the existing hardstanding as a parking area through the provision of dropped kerb vehicular access to it.

12. Policy DP22 (Sustainable drainage systems) of the LP requires that all development proposals demonstrate that surface water run-off has been reduced by sustainably managing run-off on site and that permeable paving has been used for hardstanding areas (e.g. car parks). The appellant has acknowledged the importance of achieving sustainable drainage systems and has confirmed that they would be willing to accept pre-commencement conditions to address this. Given the modest scale of the proposal, there is no objective evidence before me to suggest that such conditions would not be a reasonable method to ensure that surface water runoff could be appropriately dealt with.
13. I conclude that the proposal would have an acceptable effect on surface water runoff provided that this be addressed through appropriate conditions. Consequently, the proposal could accord with the requirements of Policy DP32 (Flood risk management) and Policy DP33 (Sustainable drainage systems) of the LP to not increase flood risk on-site or off-site and to manage surface water through sustainable drainage systems.

Conclusion and Recommendation

14. I have found that the proposal would be acceptable in terms of the effect on on-street parking in the area and surface water runoff.
15. However, the proposal would have an unacceptable impact on highway safety and in this regard would be contrary to the development plan and the Framework. For this reason and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

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.

M Russell

INSPECTOR