
Appeal Decision

Site visit made on 8 July 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/K0235/W/25/3363444

256 High Street, Clapham, Bedford MK41 6AY

- 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 Keith Osorio Echeverry against the decision of Bedford Borough Council.
 - The application Ref is 25/00102/FUL.
 - The development proposed is the removal of a small section of redundant barrier fencing and the installation of a dropped kerb for vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form was extensive. I have therefore used the description given by the Council in its decision notice in the banner heading above.
3. There is a discrepancy between the block plan and site plan in terms of the extent of the red edge of the application site. I have considered the slightly larger red edge shown on the site plan here as this incorporates the vehicle access and (former) barrier fencing. As the appeal is to be dismissed, it is not necessary for me to seek a correction of this.

Main Issue

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

Reasons

5. The site comprises a semi-detached house which addresses High Street. It benefits from a front garden which has been laid to gravel surfacing and a vehicle access formed with High Street. In order to achieve this access, a section of barrier fencing adjacent to a controlled pedestrian crossing has been removed. I am aware of separate enforcement action being taken by the Council in relation to this and the other works to the public highway. As this is being undertaken using powers under the Highways Act 1980 it is not within my remit to consider this.
6. The vehicle access allows the opportunity to park a vehicle in the front garden area to number 256. However, due to the controlled pedestrian crossing, this access is offset slightly to one side of the property and has required the removal of a section of barrier fencing. The access further leads onto the zig-zag lines around the pedestrian crossing.

7. In order for a vehicle to access the property, it would have to either reverse in to or out of the appeal site. This would need to be done at an oblique angle and in extremely close proximity to the pedestrian crossing. Given that the pedestrian crossing, with its barrier fencing, is an area for safety and refuge of pedestrians, the introduction of this vehicle access presents a significant safety concern due to potential conflict with pedestrians. Indeed, in order to reverse into the site when approaching from the east, a vehicle would have to pull up on the wrong side of the road and reverse across the pavement via the pedestrian refuge area. This would represent a highly hazardous manoeuvre, traversing the pedestrian crossing in a vehicle on the wrong side of the carriageway and stopping on the zig zag lines. This would be particularly unsafe for younger people, the elderly and disabled who may not be aware of this form of hazard in an area designed for safety.
8. I do not accept the appellant's evidence that a vehicle could turn within the site as there is insufficient space to do so. Equally, I do not accept the swept path analysis as this is not to scale and incomplete and does not appear to be an accurate representation of all potential vehicle movements. Even if I were to accept this evidence, and the optimal access and egress scenario presented by the appellant, this would not offset the significant harm and danger to highway safety created by the introduction of a vehicle access in this location.
9. My attention has been drawn to a number of other accesses in the area including those adjacent to number 256 which also have access onto the zig-zag lines and the parking of Council vehicles. However, these situations all appear to relate to existing, authorised accesses. Whilst some of these may not be ideal, they are established situations and do not pose the same level of danger to safety proposed here as they do not have the same interaction with the pedestrian crossing. This would be the case, regardless of the safety barrier. In any case, the existence of established substandard accesses is not a good reason to repeat these situations.
10. The proposal would provide an electric charging point and this is a minor benefit of the scheme. In this context, it does not offset the substantial harm created to highway safety.
11. I conclude that the proposal would be significantly harmful to highway safety, particularly for pedestrians using the footway and controlled crossing. It therefore conflicts with policy 31 (i) and (iii) of the Bedford Borough Local Plan 2030 and policy IT2 of the Clapham Neighbourhood Plan insofar as it would have a serious adverse impact on access to the public highway and would not be in accordance with the guidance contained in Manual for Streets. Moreover, it conflicts with the provisions of paragraphs 115 b) and 116 of the National Planning Policy Framework as there would be an unacceptable impact on highway safety.

Conclusion

12. The proposal would be significantly harmful to highway safety and poses a genuine and substantial danger to road users, particularly pedestrians using the footway and controlled crossing. The material considerations do not suggest a decision other than in accordance with the development plan. The appeal is dismissed.

N Bowden

INSPECTOR