
Appeal Decision

Site visit made on 30 July 2025

by T Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2025

Appeal Ref: APP/C5690/W/25/3365575
313 B Brownhill Road, London SE6 1AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms M Alsheblawi against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/24/137251, dated 29 August 2024, was refused by notice dated 13 November 2024.
 - The development proposed is the provision of a dropped kerb for a vehicular crossover to the front driveway.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the safety of vehicles, drivers and pedestrians.

Reasons

3. The appeal relates to this flat which is located within a 2 storey terraced property. The property is located on Brownhill Road, the A205 which is part of the South Circular and is a 'red route' managed by Transport for London (TfL). The frontage of the property is hard-surfaced. To the rear of No 313 is an access onto Minard Road but the appellant states that this is owned and controlled by flat 313D and is not available to her to use.
4. Policy 14 of the Council's Core Strategy (CS) relates to sustainable transport and movement and, amongst other things, seeks to promote the safety of pedestrians and cyclists. It also states that the Council will work with other organisations, including TfL, to address the impact of development and manage traffic.
5. TfL has objected to the proposal, when consulted by the Council. TfL's objection relates primarily to the likelihood of vehicles having to reverse out of the site which would have an unacceptable effect on the safety of pedestrians and on the flow of vehicles generally and also given the proximity of the nearby traffic-light-controlled junction.
6. The appellant has provided a number of diagrams intended to show the 'swept path' of vehicles entering and turning within the site. Firstly, a vehicle of

4.42m in length is indicated executing a 3-point turn so that it can enter and leave in a forward gear. Further diagrams are submitted which show a vehicle of 4.8m length unable to execute a 3-point turn but doing a 5-point turn, entering and leaving in a forward gear. A third diagram shows a 4.8m vehicle parked within the frontage and the path of a second vehicle trying to enter the site which is not possible due to the positioning of the first vehicle. On this last point I would comments that the first vehicle is shown in a position some distance from the building and the side boundary and some relatively minor adjustment in its position could allow a second vehicle to enter the site.

7. In relation to the manoeuvring of a single vehicle, I consider that the need to undertake a 5-point turn (for the larger vehicle) as set out in the appellant's submissions would clearly need to be done extremely carefully as virtually no room for error is allowed for, indicating the vehicle as close as possible to the gate posts and edges of the plot. In my view, the need to execute a 5-point turn, as shown, would act as a considerable deterrent and may well lead a driver to resort to reverse onto the road.
8. The appellant indicates that she has only 1 car and there is no likelihood of 2 vehicles needing to be accommodated at the site; adding that it would not be possible to park 2 cars in any event. I have addressed this last point above and consider that a second car could access the site. It should be born in mind that planning permission runs with the land and just because a current owner may not wish to use their property in a certain way offers no guarantee that a subsequent occupier would do the same. In addition, it may be likely that the existing owner would have visitors or trades people with vehicles, in addition to her own (or her son's). Therefore, I consider it quite likely that 2 vehicles may be parked on the frontage. The presence of another vehicle on the forecourt would hinder the turning manoeuvres and would also mean that it would be very likely that vehicles would resort to reversing onto the highway. Planning conditions to prevent the parking of more than one car or reversing onto the road would not be practical or enforceable, in my view.
9. The result of cars reversing out of the appeal site would be that drivers emerging from the site would have a very restricted view of pedestrians on the pavement, giving rise to the likelihood of a conflict between the two. In addition, the proximity of the nearby controlled junction could mean that a car reversing out of the site could block the flow of vehicles and block the junction. The appellant has drawn my attention to the presence of other properties with frontage parking and dropped kerbs nearby and I saw these at my site visit. Whilst TfL has indicated that none of these have been done whilst the road has been managed by them, the appellant indicates otherwise. However, my judgement is that the presence of other examples, which may have an unacceptable effect on highway safety, does not justify the proposal. In this respect, the appellant refers to an absence of any record of accidents in this location but I am aware that such records are only kept where personal injuries occur and do not necessarily record all accidents.
10. The appellant refers to her desire to have an electric vehicle and a charging point at her property. Whilst I am aware that public charging points may not be as convenient as a private charging point, it would not prevent ownership of an electric vehicle and I do not see this matter as outweighing the safety concerns that I have.

11. The appellant also includes evidence of her health and indicates that she would benefit from the ability to have a vehicular access to her home. Whilst I sympathise with the appellant, these are personal circumstances and it is likely that the proposed development, if permitted, would be in place long after the personal circumstances ceased to be relevant. Furthermore, I consider that the safety concerns that I have expressed are not outweighed by the personal benefits that it would bring and my concerns would be for all users of the highway here, which also includes the appellant.
12. The appellant considers that the provision of the vehicle access and the uses of the forecourt for parking would be sustainable development and the best and most efficient use of the land. In this respect, I note that the Council raises some doubt over the authorised nature of the hard-surfaced area but setting that aside, a consideration of sustainable development must take account of its many facets and the efficient and safe functioning of the public realm here is paramount, in my judgement and outweighs other benefits that it may bring.
13. I have taken careful account of all of the matters raised, including matters that were not raised when I determined the previous appeal (Ref: APP/C5690/W/22/3294321) but I conclude that there is nothing of sufficient to outweigh the highway safety matters that I have referred to above. Therefore, the proposal is contrary to Policies T2 and T4 of the London Plan (2021) and Policy 14 of The Core Strategy (June 2011). Consequently, the appeal is dismissed.

T Wood

INSPECTOR