



# Appeal Decision

Site visit made on 10 December 2021

by **R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>ST</sup> January 2022

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## Appeal Reference: **APP/D5120/D/21/3280663**

### Land at

- 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 Mrs Westwood against the decision of the Council of the London Borough of Bexley.
  - The application (reference 21/00712/FUL, dated 7 March 2020) was refused by notice dated 28 June 2021.
  - The development proposed is described in the application form as a “dropped kerb”.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a vehicular access and hardstanding, at \_\_\_\_\_, in accordance with the terms of the application (reference 21/00712/FUL, dated 7 March 2020), subject to the following condition.

The development hereby permitted shall be carried out in accordance with the following approved drawings:

- unnumbered Ordnance Survey site location plan;
- unnumbered Ordnance Survey site plan;
- unnumbered sketch (block plan);
- unnumbered photograph of soakaway.

### Preliminary points

2. Notwithstanding the description of the application that was given in the application form, it is described in both the Council’s decision notice and the appeal form as the “retention of vehicular access and hardstanding”. Since “retention” is not a development operation, the nature of the proposal can more clearly be expressed as the construction of a vehicular access and hardstanding.

### Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on highway safety and convenience (for both vehicles and pedestrians).

## Reasons

4. The appeal site lies within a closely built up part of London. The surroundings are primarily residential in the vicinity of the appeal site but itself is a busy through route, running approximately from north to south. The road crosses over a railway bridge a short way to the north of the appeal site, where there is a shallow bend in the road, but it continues as a straight stretch past the site.
5. On the eastern frontage of [redacted] there is a short spur road that serves houses which lie below the level of the main road, as it rises to cross the railway line. On the opposite side of [redacted], a side road (Fox Hollow Drive) also dips away from the level of the main road.
6. There is some variation in the houses along this stretch of [redacted], but they are generally set back from the highway, closely built up and often in the form of semi-detached pairs or short terraces. Many houses, on both sides of the road, have parking spaces available in their front gardens.
7. Traffic on the main road is sometimes relatively fast moving, subject to a speed limit, although I observed that queues can form as traffic backs up from a busy highway junction to the south.
8. The appeal site at number [redacted] is one of a short terrace of houses that is located at the junction of the main road and the small slip road referred to above, although the appeal site itself does not have a frontage to the slip road. The front garden of number [redacted] has been laid out and surfaced to provide a parking area for the house, although a narrow drive between numbers 42a and 44 also provides access to the rear of the site. A garage building at the end of the back garden has been put to use as a domestic store, however.
9. It is now proposed that planning permission should be formally granted for a crossover and parking area, enabling the works that have been carried out to be retained. The submitted drawings are very basic and rather crude but the paved hardstanding is substantially complete in any case.
10. The 'London Borough of Bexley Core Strategy' (adopted in February 2012) forms part of the formal Development Plan and Policy CS15 is a wide ranging transport policy which, among other things, includes the aims of enabling the free flow of traffic and, of course, of promoting highway safety. Policies in the 'Bexley Council Unitary Development Plan' (adopted in 2004) have similar aims and Section 5 of the 'Design and Development Control Guidelines' underpin the Council's Policies.
11. 'The London Plan' seeks to encourage the use of public transport and also identifies the importance of highway safety, while, under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' (2021) deals with a number of transport related issues and seeks to prevent significant impacts on highway safety, notably at paragraphs 110 and 111.
12. In this case, the proposed "dropped kerb" and hardstanding would be one of many along this stretch of road. The effect of these crossings on highway

safety is not untoward and the additional impact of a new crossing at the appeal site would not be materially prejudicial to highway and pedestrian safety, especially as there is good visibility along this part of Brampton Road.

13. I also accept that the hardstanding as constructed does not have a material impact on the streetscene and is visually acceptable, while it incorporates a suitable drain to prevent surface water run-off. Evidently, the dropped kerb itself will involve works in the public highway that are also subject to other controls, outside the planning legislation.
14. It is obviously the case that an access to the rear of the site is available, but the access is narrow and awkward, while it serves only a very small number of properties that have a frontage to the main road and could only provide a poor quality parking facility at the appeal site, due to the current layout of the access and garden.
15. I have concluded, therefore, that the scheme is acceptable in its context and that planning permission can properly be granted for the construction of a vehicular access and hardstanding, at 42 Brampton Road, notwithstanding the guidance given in Section 5 of the local guidance that is referred to above. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
16. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). In the circumstances of this development, the usual commencement condition is redundant, as is a condition requiring the use of "matching materials". Nevertheless, a condition is required to define the planning permission by reference to the approved "drawings", which I have imposed.

*Roger C Shrimplin*

INSPECTOR