

Appeal Decision

Site visit made on 22 September 2016

by D Cramond BSc MRTPI

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

Decision date: 05 October 2016

Appeal Ref: APP/L5240/D/16/3157143

35 Davidson Road, Croydon, CR0 6DR

- 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 Sophia Sharu Warren against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/00632/P, dated 30 January 2016, was refused by notice dated 26 April 2016.
 - The development proposed is the formation of a vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I use the Council's description of development which is more precise than the planning application form; I note the Appellant also uses this description on the appeal form.

Main Issues

3. The main issues are the effect of the proposal on i) highway safety and ii) the character and appearance of the locality.

Reasons

4. The appeal property is a family home within an established residential area comprising dwellings within a suburban scene of pleasing appearance. The proposal is as described above and would lead to a dropped kerb of some 5.6 metres in total spanning the equivalent of the front garden area.

Highway safety

5. The Council is concerned that pedestrian visibility splays which are shown would cross third party land and therefore cannot be secured and that along with the wider than usual dropped kerb there would be a safety hazard for pedestrians and the highway generally. However from my observations the footway is of relatively generous width and not heavily used by pedestrians. Furthermore adjoining frontage areas display low, rather than high, hard and soft landscape elements which would allow a good degree of inter-visibility between drivers and pedestrians and enable car movement to be gauged. The road itself is not a busy one and with a plethora of entrances and a range of on-street parking there should be inherent care amongst users. The Council provides no evidence of accidents along this stretch. The property is a single
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family dwelling which would not generate excessive car movement and the scheme would mirror many others found locally. In this particular instance I am satisfied that some flexibility to the normal requirements for access creation would not be harmful in safety terms.

6. Policy UD13 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 (UDP) and Policy 6.12 of the London Plan (LP) taken together call for, amongst other matters, safe development in a highway context. I conclude that the appeal scheme would not run contrary to this policy issue.

Streetscene

7. One of the key characteristics of Davidson Road is the avenue effect created by footway trees. One such tree is in front of the appeal property. Whilst not completely central it is certainly more so than indicated on the submitted plan. It is also close to the kerb edge. It would hinder full use of the planned access-way and could be liable to damage in passing. Importantly, to my mind, alteration of the hard surfacing to create the planned dropped kerb would lead to very real risk of root damage and hence impact upon the health of the tree and its longevity
8. I appreciate the points made by the Appellant that the tree in question has survived nearby highway works and that there are many local trees to be found sitting comfortably alongside crossovers. However given the precise position of the pertinent tree and the nature of the works intended here, along with the lack of any technical or professional evidence to the contrary, I am not content to endorse a scheme which to my mind would put at serious risk the health of an important and attractive tree. Furthermore I could not countenance removal of this tree and its replacement nearby as any benefits embodied within the proposals and set out by the Appellant do not outweigh the visual harm which would be caused for a considerable period of time.
9. Policy NC4 of the UDP seeks to prevent to the loss of valued trees. I conclude that the appeal scheme would conflict with this policy.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not have an unacceptable adverse effect on highway safety but would seriously threaten the well-being of the adjoining street tree and hence the character and appearance of the locality. Accordingly the appeal is dismissed.

D Cramond
INSPECTOR