

Appeal Decision

Site visit made on 11 October 2016

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 7th November 2016

Appeal Ref: APP/Z5630/D/16/3157633

82 Clayton Road, Chessington, Kingston upon Thames KT9 1NJ

- 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 Mr James Fransella against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 16/10103/HOU, dated 13 March 2016, was refused by notice dated 23 June 2016.
 - The development proposed is provision of vehicular access and hardstanding to provide an off street parking space.
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Decision

1. The appeal is allowed and planning permission is granted for provision of vehicular access and hardstanding to provide an off street parking space at 82 Clayton Road, Chessington, Kingston upon Thames KT9 1NJ in accordance with the terms of the application, Ref 16/10103/HOU, dated 13 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Layout 1.5a, Page 4 of the appellant's appeal statement.
 - 3) No development shall take place until a scheme for the discharge of surface water from the development hereby permitted, has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed in accordance with the approved scheme before first use of the development and shall incorporate sustainable drainage principles.
 - 4) Prior to first use of the development hereby permitted for vehicle hardstanding, a visibility splay of 1.5 x 1.5m shall have been provided in a westerly direction where the access meets the back edge of the footway, and shall be permanently retained free from any obstruction to visibility higher than 0.6m above ground level. The eastern boundary of the hardstanding shall be permanently retained free from any obstruction higher than 0.6m above ground level along the line of the adjacent dwelling's fence, for a distance of 1.5m from the back of the footway.
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- 5) Prior to first use of the parking bay, a fence, wall or other means of enclosure shall be erected along the remaining section of front boundary. Details of such boundary treatment shall have been submitted to and approved in writing by the local planning authority and shall thereafter be permanently retained.

Procedural Matters

2. For brevity, I have used the description of the development given on the Council's Decision notice in the heading above.
3. The Council's report notes that the frontage depth is 3.7 metres. However, this is disputed in the appellant's statement and I have proceeded on the basis that the frontage is the depth shown on the drawing referred to in condition 2.
4. The appeal statement contains a revised layout which shows a reduced width of hardstanding. I have referred to this drawing in condition 2 after giving the Council an opportunity to comment in this regard. Although it noted that the depth was unchanged from the planning application, and that therefore their objection to the development remained, there was no objection to the proposed reduced width. I am satisfied that no parties would be prejudiced by my consideration of this amendment.
5. Although not cited in the Council's decision notice, their case in respect of highway safety is partly based on Policy DM8 of the Core Strategy¹ (CS). As this is mentioned in the officer's report, I have included it in my reasoning below.

Main Issues

6. The main issues are the effect of the development on:
 - the safety of all highway users; and
 - the character and appearance of the area.

Reasons

Highway safety

7. The appeal property (No 82) is situated on Clayton Road, which is a residential road leading to Hook Road and thence to the Kingston Bypass. On my visit there were cars parked on sections of grass verge, and I noted a large proportion of dwellings had paved frontages and crossovers. I also noted that vehicles were parked on both sides of the road in the vicinity of No 82, and were preventing the free movement of two-way traffic. In addition, the effective width of the footway near No 82 was reduced by the presence of refuse bins and a telegraph pole. There was no evidence that the footways are well-used by pedestrians during my lunch-time visit, but I recognise that this was a snapshot in time.
8. The front garden of No 82 is bounded by low fencing with a pedestrian entrance and the garden itself is largely grassed, with young cordyline palms on both side boundaries. The development would comprise the paving of part of the frontage to accommodate a vehicle, with an associated crossover. It is

¹ Royal Borough of Kingston Core Strategy, adopted April 2012

not disputed between the parties that the frontage depth available, which varies between 4650mm and 4400mm, is less than the minimum 4570mm of the Residential Design SPD² (SPD).

9. A previous appeal for a similar development was dismissed as the Inspector considered the restricted depth of the frontage would impair pedestrian safety on the adjacent footway³. That Inspector concluded that the site's limited depth would pose difficulty for parking an average sized family car. However, there was a standard small hatchback parked on the neighbouring frontage (No 80) when I visited the site, and a gap of some 500mm between its front bumper and the rear of the footway. Whilst taking into account that the site's depth is slightly shorter than No 80's, I concluded that a similar sized vehicle could be accommodated within the frontage depth of the appeal property without there being any overhang onto the footway. In addition, I note that that appeal predates the CS and that the main issue was pedestrian safety only.
10. Having observed the traffic flow outside No 82 during an off-peak period I give moderate weight to the appellant's argument that the development would have a beneficial, albeit limited, effect on traffic movement as the crossover would prevent parking outside the property and provide one additional off-street parking space. Whilst I recognise the safety objectives of the Council's standards in respect of car parking on frontages, in this instance the obstructions caused by parked vehicles in the road appeared, at least on the occasion of my visit, to be a cause of significant impediment to traffic flow. And, as noted above, my visit was around lunch-time when I would expect traffic volume to be significantly less than at other times of day.
11. Consequently, I have concluded that although there would potentially be some adverse effect on pedestrian safety arising from the overhang of a vehicle larger than a standard small hatchback, this would be outweighed by the beneficial effects of having one less vehicle parked on the carriageway, which would improve traffic flow. Whilst I acknowledge that the occupiers' choice of vehicle cannot necessarily be prescribed, it is likely that future occupiers of the dwelling would choose to own vehicles that would not significantly overhang the footway and thus be susceptible to damage. I am also mindful that there is fixed street furniture reducing the footway width outside No 82 by a distance similar to the shortfall of depth on the proposed hardstanding's western edge, and as such I give this argument only little weight.
12. CS Policy DM8 supports and promotes sustainable modes of travel and requires development to protect and enhance pedestrian access routes. However, the footway is already subject to obstructions from street furniture, and I am not persuaded that the development would have more than a minor adverse effect on the safety of pedestrians.
13. Furthermore, CS Policy DM10 expects development to have regard to local traffic conditions and highway safety and ensure they are not adversely affected, and also to ensure car parking has a minimal impact on design and layout. In this instance, I consider there would be some benefit to local traffic conditions and highway safety to have an additional off-road parking bay. In

² Royal Borough of Kingston Residential Design SPD, adopted July 2013

³ APP/Z5630/A/09/2105106

addition, a high proportion of dwellings along Clayton Road have off-road hardstanding and consequently it is characteristic of the area.

14. Consequently, taking all highway users into account, as required by CS Policy DM10, on balance I do not consider that the development would be detrimental to the safety of all highway users. Notwithstanding the limited conflict with the SPD which states that the hardstanding depth should be greater than 4.570m, I consider the benefits to the improved operation of the highway would, although limited, be sufficient to outweigh that minor conflict.

Character and appearance

15. The Council states that the development would not meet the requirements of the SPD in respect of soft planting, and that the proposed opening with associated loss of front boundary treatment would be excessively wide. As such the development would have a detrimental effect on the street scene's appearance. However, the revised layout has a narrower hardstanding and consequently just over 50% of the frontage would be given over to planting or lawn.
16. The existing cordyline is a distinctive feature of the front garden and I am not persuaded, as the appellant advises, that it is dying. However, it is of modest size and does not have a significant impact on the amenity of the wider street scene. The ivy currently covering the low boundary fence is not particularly attractive in this situation and even were the appeal to be dismissed, is unlikely to be retained in the longer term. In any case, were the appeal to be allowed, a condition could address the issue of boundary treatment and associated landscaping. Consequently, I have concluded that the development would not have a detrimental impact on the street scene and would not be contrary to the SPD's guidance in this regard. Nor would the development be contrary to the provisions of CS Policy CS8 which seeks to ensure new development relates well and connects to its surroundings, or the design aims of CS Policy DM10.

Conditions

17. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
18. I have imposed a condition to ensure the surface water generated by the hardstanding is adequately drained; given the nature of the development I consider it is appropriate to include this as a pre-commencement condition. Although the Council suggested a reference to sustainable drainage (SuDS) details, given the range of SuDS details available I have omitted this reference, which could be considered imprecise, and have substituted a reference to SuDS principles.
19. I have also imposed a condition to ensure an appropriate visibility splay is provided on the western side of the hardstanding, within land owned by the occupiers of the dwelling. On the eastern side, the side boundary fence is within the ownership of the adjacent property; as such I have amended this suggested condition to ensure that an equivalent distance within the ownership of No 82 is retained free of obstruction. This condition is to ensure the safety of pedestrians and other road users.

20. Finally I have imposed a condition to ensure the Council is able to ensure an appropriate boundary treatment is erected along the remaining section of frontage to safeguard the character and appearance of the area. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

21. For reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Core Strategy and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR