

Appeal Decision

Site visit made on 9 November 2016

by **G Powys Jones MSc FRTP I**

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

Decision date: 29 November 2016

Appeal Ref: APP/N5660/D/16/3158527
61 South Croxted Road, London, SE21 8BA

- 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 V Sharma against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 16/02043/FUL, dated 14 October 2015, was refused by notice dated 27 May 2016.
 - The development proposed is a vehicle crossover.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Reference has been made to the planning history of the site, in particular to a recent appeal decision involving a similar proposal. The Inspector found that the appellant had failed to properly demonstrate its acceptability and dismissed the appeal. (*Ref APP/N5660/D/15/3065787, dated 18 August 2015*). This decision is material to my considerations attracting due weight.
3. The previous Inspector also commented critically and unfavourably on the legibility and accuracy of the submitted plans. This time around, the plans appear to be properly dimensioned. However, the '*existing*' plans do not accurately display what I saw at the site. In particular, the site has an open frontage as opposed to being fenced. The fence appears to have been removed since the previous Inspector's site visit. Moreover, the surface water drain shown in the '*proposed*' plans is in place. The existing surfacing material is brick rather than concrete slabs, and what appears to be ground landscape lighting has already been installed.

Main issues

4. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and its surroundings and (b) on highway safety.

Reasons

Character & appearance

5. The appeal dwelling, one of a pair of semi-detached properties, stands on South Croxted Road, a busy major traffic artery fronted by housing. The appellant points to what are regarded as '*precedents*' in the area for the proposed development.

6. In the immediate vicinity of the site, I saw that Nos 59, 65 & 73 utilised their former and relatively small front gardens for parking and had installed dropped kerbs. Similar facilities were apparent at No 68 on the opposite frontage.
7. However, most of the dwellings by far along this stretch of South Croxted Road on both eastern and western frontages had retained their front gardens. These displayed a variety of enclosures, including fencing and hedging. The retained front gardens, especially those which were well vegetated, contributed positively to the street scene.
8. To my mind, where front gardens had been cleared to create parking spaces, they detracted from the street scene, and I share the Council's view that the appellant's proposal would not contribute positively to local visual amenity. I have noted the appellant's point that since the frontage is already open, no harm would occur. However, this does not justify the works that have already taken place.
9. I conclude that the proposal would or have given rise to harmful visual consequences in respect of the host property and its surroundings harming their character and appearance. Accordingly, a material conflict arises with those provisions of policies Q2 of the Lambeth Local Plan (LP) requiring that visual amenity should not be unacceptably compromised by development. I acknowledge that whilst the original fence to the former garden has been removed, it is capable of being replaced in part, so that the provisions of LP policy Q15 relating to boundary treatments could be met. However, this does not outweigh the harm caused by the bareness of the other treatment proposed.

Highway safety

10. South Croxted Road (A2199) is lengthy and forms part of the Capital's Strategic Road Network (SRN). Transport For London (TfL) says that it has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
11. At the time of my visit, which was off-peak, the road carried a substantial amount of traffic. On-street parking was in evidence on both sides of the road in the vicinity of the appeal site, and at the time of my visit, most spaces were occupied.
12. In its response to consultation on the original application TfL says that:
Whilst TfL has no objections to the proposed crossover, TfL requests the applicant ensures vehicles using the crossover are able to both access and leave the property in a forward gear.
13. The Council's Transportation section had no objections to the scheme.
14. In support of the scheme the appellant says that the parking space is intended to be used by an electricity powered car and that (a) the level of traffic generated associated with the single dwelling would be modest when compared to other land uses; (b) the movement of vehicles would be undertaken at slow speeds; (c) visibility in both directions ensure safe passage of vehicles; and (d) accidents records for the locality confirm that not a single incident was associated with vehicle movements from existing crossovers.

15. Notwithstanding these comments and the responses to consultation, the Council opposes the scheme on the grounds of highway safety. I consider it has good reason for doing so.
16. In view of the small size of the former front garden, it would not be practical and nor is it claimed that a turning space could be provided. It would therefore be a matter entirely for the appellant's discretion as to whether or not he reversed into the car parking space. Given the large amount of traffic on the main road, it would prove easier and more convenient to drive into the space rather than hold up traffic whilst reversing from the highway. I therefore consider it likely that most movements from the site would take place in reverse gear.
17. Indeed, the cars that I saw in nearby off-street parking spaces had all been driven front-on into their spaces, and would require to be reversed onto the road. In circumstances where such manoeuvres would need to take place between parked vehicles obstructing visibility in both directions, I consider such movements to be fraught with risk and potentially dangerous to highway users.
18. I acknowledge that these movements may be limited in number during the day and would take place at low speed, but the level of risk involved on a busy highway remains unacceptable. Whilst the appellant has referred to accident records pointing in his favour, none has been produced in evidence to me.
19. I therefore conclude that the appellant's proposals would give rise to an unacceptable level of risk affecting the safety of highway users. This conflicts with that provision of LP policy T6 that planning applications will be supported where they do not have unacceptable impacts on various matters, including highway safety. A conflict also arises with an important aspect of policy 6.3 of the London Plan providing that *'development should not adversely affect safety on the transport network'*.

Other matters

20. Reference has been made to other development plan policies, but those to which I have referred are considered the most relevant in the particular circumstances of this case.
21. As already mentioned, the appellant has pointed to other examples of similar development in the vicinity. However, precedent, in itself, is seldom a good reason for permitting development especially in circumstances such as this where I find the proposal unacceptable on its merits.
22. I share the appellant's view that the parking of a vehicle in the former front garden would not give rise to a serious or unacceptable loss of outlook from neighbouring properties.
23. Whilst, as the Council says, the provision of a crossover would inevitably lead to the loss of an on-street parking space to the community, that would be partially off-set by the addition of the proposed car space. In this respect, the appellant, being a member of the local community, would be entitled to park a vehicle in the road. I do not therefore consider the Council's point on this aspect to be compelling.
24. The appellant says that the Council's concerns with regard to surface water/sustainable drainage could be addressed by condition in the event of

planning permission being granted. However, the appellant's drainage proposals are shown on the submitted plans, and they appear to have been implemented already. It would not be appropriate for me to attempt to materially change the appellant's submitted proposals by means of a condition. In my view, given the previous Inspector's comments on drainage, this aspect should properly have been addressed in the original submission.

25. The sustainability advantages of electric cars are acknowledged, but these are outweighed in this instance by the disadvantages of the scheme, already explained. Nor can there be any guarantee that the appellant or his successors in title would continue to use electric cars.
26. All other matters raised in the representations have been taken into account, including the various references to the *National Planning Policy Framework*, but none is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR