

Appeal Decision

Site visit made on 4 January 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 13th January 2017

Appeal Ref: APP/L5240/D/16/3155603

17 Callow Field, Purley, Surrey CR8 4DU

- 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 Russell Sturgeon against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02251/P, dated 3 May 2016, was refused by notice dated 4 July 2016.
 - The development proposed is alteration to land levels to provide hardstanding; formation of vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for an alteration to land levels to provide a hardstanding, and the formation of a vehicular access at 17 Callow Field, Purley, Surrey CR8 4DU, in accordance with the terms of application ref: 16/02251/P, dated 3 May 2016, and 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 plan no: 2305-01 Rev B.
 3. Prior to the commencement of development on site, details of the proposed visibility splays shall be submitted to, and approved in writing by, the local planning authority. The agreed visibility splays shall be provided before the driveway is first brought into use and shall thereafter be maintained free from any obstruction or impediment to driver or pedestrian visibility.
 4. Notwithstanding details indicated on the approved plan, no security posts shall be erected within the access or driveway.

Preliminary Matters

2. The description of development set out in the banner heading is that used by the Council in its decision notice. It is an accurate summary of the longer description set out in the application and appeal forms and I have replicated it in my formal decision.
 3. Although the application plan indicates that the oak tree within the site is to be removed, I note from the application and appeal forms, and the grounds of
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appeal, that both trees on site are to be retained. I have dealt with the appeal on that basis.

Main Issue

4. The main issue in this case is the effect of the development on highway and pedestrian safety on Higher Drive.

Reasons

5. 17 Callow Field is a detached residential property which has vehicular access from Callow Field and pedestrian access from Higher Drive. The property lies at a lower level to Higher Drive such that the front garden slopes down towards the house. The proposal is for the formation of a vehicular and pedestrian access from Higher Drive and the provision of hardstanding for the parking of a vehicle within the present garden area. The proposal includes the removal of part of the existing boundary wall and the provision of an area of hardstanding, formed by block paviors on gravel, to form a parking space. A low fence would replace part of the boundary wall and new fencing and a low retaining wall would be erected further back into the site. To achieve a level surface for parking, some limited alteration to the presently landscaped land levels would be required. The appeal documents indicate that the change in levels would follow the natural curvature of the land only.
6. Higher Drive is a busy road and I acknowledge the Council's concerns about vehicles reversing onto or off the proposed drive. I noted at my site visit, however, that there are a number of properties along the road with a similar access and parking arrangement to that proposed, without a vehicle turning area. There is no evidence before me that these driveways cause a danger to highway safety. In this particular location the access point would be close to the outside of a bend in the road. There is no technical evidence before me that visibility from the access along the road would be substandard.
7. The Council advises, however, that pedestrian visibility splays of 1.5m x 1.5m should be provided in this instance. Visibility splays should be provided entirely on land within the appellant's control. The application drawing indicates that whilst such provision is possible on the north-west side of the drive, there would be a shortfall in provision on the south-east side. However, the driveway of the adjacent property No 72A Higher Drive lies in close proximity to the common boundary. The occupiers of that property support the proposal in terms of the benefits the creation of the access would have on visibility from their driveway. As a result of such a benefit it seems unlikely that any obstruction would be placed in that part of the pedestrian visibility splay that would be outside the appellant's control.
8. In addition it seems to me that vehicle movements onto and off the proposed driveway are likely to be limited. Moreover, given the bend in the road, the driveway, including dropped kerbs, would be apparent to pedestrians from a distance. For these reasons I am satisfied that the achievable pedestrian visibility splays would not cause any undue danger.
9. The application plan indicates that two security posts would be positioned on the site boundary and I share the concern of the Council that the operation of the posts could cause an obstruction within the highway. However, this is not a fundamental part of the proposal and the appellant has indicated his

willingness for them to be removed. The matter can therefore be dealt with by planning condition.

10. On the basis of the evidence before me, for the reasons set out, I am satisfied that the proposal would not have a harmful effect on highway or pedestrian safety. Consequently the proposal would not conflict with Policy UD13 of the Croydon Replacement Unitary Development Plan 2006 which seeks to ensure that parking areas are safe, secure, efficient and well designed. In addition there is no conflict with Policies 6.12 and 6.13 of the London Plan 2011 which relate to road network capacity and parking provision.

Other Matters

11. Boundary treatment to properties fronting Higher Drive varies and, as outlined above, a large proportion of properties have driveway openings onto the road. In this respect the proposal would not be visually unusual.
12. The site lies within an area covered by a Tree Preservation Order (TPO:30, 1979) and as such two trees, an oak tree and a sycamore tree, within the front garden of the property are protected. It is intended by the appellant that both trees are retained.
13. I note that the proposed drive would extend to within close proximity of the trunk of the sycamore tree. An assessment of the impact of the development on the protected trees has been made by the Council's Tree Officer. The assessment concludes that the tree is old, mature and in poor order. As such the Council raises no objection to the proposal in this respect. There is no contrary technical evidence before me. Nor is there any technical evidence that the development would adversely affect the roots of trees in the garden to No 15 Callow Field. On the basis of the evidence before me I therefore conclude that any impact of the development on trees will not have an adverse impact on the character and appearance of the area.
14. I have taken into consideration the concerns of the neighbouring occupier at No 15 Callow Field that the proposal will result in noise and disturbance from vehicles coming and going. I acknowledge that there would be a degree of vehicular activity in the front garden where there is presently none. However, the parking space would be some distance from the common boundary with No 15 and any noise would be heard against the background of traffic noise on Higher Drive. Consequently the proposal would not have an unduly harmful effect on the living conditions of the adjoining property.

Conditions and Conclusions

15. The Council has suggested conditions in the event of the appeal being allowed and I have considered them against advice in the Planning Practice Guidance. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and specified the approved plans. In the interests of highway safety, I have specified a condition requiring the approval and implementation of visibility splays and their retention free from obstruction thereafter. In addition, also for highway safety reasons, I have imposed a condition requiring that the security posts indicated on the plan are not constructed.

16. For the reasons set out and subject to these conditions, and taking into account all other matters raised, the appeal is allowed and planning permission is granted.

S Ashworth

INSPECTOR