The Planning Inspectorate

Appeal Decision

Site visit made on 4 January 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 19 January 2017

Appeal Ref: APP/L5240/D/16/3162823
2 Marlpit Lane, Coulsdon, CR5 2HA

- 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 & Mrs Catley against the decision of the Council of the London Borough of Croydon.
- The application Ref 16/03412/P dated 4 July 2016 was refused by notice dated 25 August 2016.
- The development proposed is alteration of existing dropped kerb plus formation of new parking area and additional dropped kerb.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal (1) on highway safety and (2) on the character and appearance of the area.

Reasons

Highway Safety

3. The appeal site consists of a three storey property including accommodation within its roofspace. It is situated in an elevated position on the western side of Marlpit Lane. The property is served by an existing drive which is accessed towards the southern side of the sites frontage off Marlpit Lane, although the area of hardstanding forming the driveway is wider than the existing dropped kerb. The site has a separate pedestrian access with the remaining area along the site's frontage comprising mainly of elevated garden areas. The proposal seeks to widen the existing dropped to correspond broadly with the width of the existing drive and seeks a new dropped kerb and crossover to serve a proposed drive towards the north of the sites frontage.

4. There are parking restrictions outside the appeal site and Marlpit Lane, which carries a steady flow of traffic, also curves in the vicinity of the appeal property. However, from my site observations, the position of the appeal property and the long sweeping nature of the curve would not unacceptably inhibit visibility of passing traffic for those exiting either of the drives.

5. There would be no ability for vehicles to turn within the site and the use of the proposed crossovers would require vehicles to reverse into or out of the driveways. The Council raise concerns about the width of the dropped kerbs exceeding 3.6m. The new crossover would be in excess of this width and the changes to the existing crossover would also result in it being more than doubled in width to over 7m. I note the appeal property has a wider frontage than others in the area and the intervals of dropped kerbs along Marlpit Lane. The appellant also states that the proposal has also been designed with adequate pedestrian visibility splays. However, the wider crossovers would create a greater area over which pedestrians have to pass and this would increase conflict and danger between vehicles and users of the footway, which the Council states, due to the site's position close to an employment area and opposite a well-used park, results in the heavy use of the pathways by pedestrians. A pedestrian island crossing is located immediately to the north of the site which creates a busy pedestrian environment around the appeal property. It would only be separated from the new vehicle crossover by around 2.67m and the presence of this crossing increases the risk to the safety of pedestrian users even further.

6. I note that an earlier planning application (in 2015), which was refused, has been referred to by both the appellant and the LPA. I do not have the full details of that scheme before me. Nonetheless, I have noted the appellant's references to the amendments that have been made in the submission of this appeal application and I have assessed the current proposal on its own planning merits.

7. For the reasons given above, I conclude on this issue that the proposal would have an unacceptable impact on highway safety. Of the policies quoted in the refusal notice, I consider Policy UD13 of the Croydon Replacement Unitary Development Plan (UDP) to be of most relevance. The proposal would conflict with this policy, which seeks, amongst other matters, car parking to be safe, efficient and well-designed. It would also be contrary to the National Planning Policy Framework (Framework) insofar as it relates to the need to ensure that safe and suitable access can be achieved and the creation of safe and secure layouts which minimise conflicts between traffic and pedestrians.

Character and Appearance

8. The appeal and nearby properties are set back and in an elevated position from the highway. As well as hardstanding areas, the properties contain planting and vegetation along front boundary's and within gardens which give the area a spacious and verdant character.

9. The Council have stated that the precise details of the alterations to the land levels have not been provided but nevertheless, I agree that the formation of the new drive will require excavation and large retaining walls due to the change in ground levels. The appellant has stated that the existing levels are not the natural ground level and that the existing concrete retaining wall was formed and backfilled at the time the house was first constructed. Whilst I have no reason to doubt this, and I also note that there is no requirement for ongoing maintenance of the garden, the pleasant greenery of the elevated front gardens contributes positively to the character of the area. The appeal scheme, which would include a parking area, retaining walls and some form of metal

railings above the wall, as indicated on the submitted plans, would form a marked change in the appearance of the site. Although some soft landscaping elements would be incorporated within the proposal and the proposed central footway access would provide an element of visual symmetry, the increase in the presence of hard features would have an adverse visual impact on the area.

10. I therefore conclude that the proposal would be harmful to the character and appearance of the area. Of the policies quoted in the refusal notice, I consider Policy UD13 of the UDP, Policy 7.6 of The London Plan and Supplementary Planning Document No. 2 *Residential Extensions & Alterations* to be of most relevance. It would be contrary to these policies and guidance which seek, amongst other matters, car parking which has been designed to minimise visual impact and structures that provide high quality outdoor spaces that integrate well with the surrounding streets.

Other Matters

11. The appellant has stated that they are seeking to make appropriate use of their home and provide safe and accessible parking, including for visitors. There is currently insufficient space on the drive to accommodate the family's cars which results in inconvenience and additional costs in parking them elsewhere given the on-street parking restrictions that exist. I also note the difficulties and issues described in accessing the existing drive and that the development would also improve visibility due to proposed changes to the bank and retaining wall. It would also incorporate a guard rail for safety. Whilst these matters weigh in favour of the proposal, they do not outweigh the harm that I have identified in respect of the main issues. The proposal would therefore not be the form of sustainable development that the Framework sets out a presumption in favour of.

12. My attention has also been drawn to a suggested amendment to the width of the crossovers and dropped kerbs, where it has been stated that that this could be dealt with by a conditional consent. This appeal follows the plans and details submitted to the Council, and I can confirm that I have considered the appeal on its own merits.

13. I note that there would be no harm to a zone of archaeological priority. This is however a neutral consideration and not a matter which weighs in favour of the proposal.

14. I note the appellants' concerns relating to the Council's failure to engage in discussions in a constructive way, despite their efforts and the handling of the application in general by them. Whilst I sympathise with the appellant, these matters have no bearing on the planning merits of the proposal before me and I can confirm that I have dealt with the appeal on its own merits. I also note that no reference was made to the Highways Department, however, this is a matter for the LPA.

Conclusion

15. For the reasons given above and having considered all other matters raised, including references to the planning history of the property, I conclude that the appeal should be dismissed.

F Rafiq INSPECTOR