

Appeal Decision

Site visit made on 21 March 2017

by D Cramond BSc MRTPI

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

Decision date: 4 April 2017

Appeal Ref: APP/P5870/D/16/3167725

44 Hillview Road, Sutton, SM1 3NT

- 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 Mehmet Ahmetoglu against the decision of Council of the London Borough of Sutton.
 - The application Ref B2016/74849/FUL, dated 8 August 2016, was refused by notice dated 4 October 2016.
 - The development proposed is the provision of a dropped kerb to allow vehicle access onto Hillview Road.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of a dropped kerb to allow vehicle access onto Hillview Road at 44 Hillview Road, Sutton, SM1 3NT in accordance with the terms of the application Ref B2016/74849/FUL, dated 8 August 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 plans: existing plan, proposed plan & site location plan.

Main Issue

2. The main issue is the effect of the proposal on the safety of the public highway.

Reasons

3. The appeal property is an end of terrace building in a suburban setting fronting a gently curving tree-lined street serving residential properties. The proposal is as described above.
 4. The Council is concerned that as this access would be proximate to a speed hump and a disabled parking bay rests broadly opposite on the other side of the road that there would be harm to safety on the highway. During my observations this was a lightly trafficked road and users showed no evidence of excessive speed; the latter point no doubt helped by the existence of speed humps. I note that there were numerous dropped kerbs providing access to front garden parking and that footways and verges offer more generous width than on many occasions in residential streets. The parking is largely
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unrestricted within the road and there were many instances where cars were or could park directly opposite household driveways. The road markings of the existing disabled bay were very faint and at the time of my visit it was a car without a 'blue badge' in situ at that point. In any event a vehicle in this space would not physically prevent single movement turning in or out in relation to the appeal property. Vehicular movement at the point of a speed hump will tend to be lower than in-between. A car seeking to turn off from or onto a section of road with a speed hump may well, depending on the precise position and nature of a dropped kerb, have some additional unevenness to negotiate but that would be more question of comfort than safety. Taking all of the foregoing I simply do not agree with the safety concerns expressed by the Council.

5. I should add that I note that the Decision Notice makes no reference to the proximity of a street tree or a lamp column although the consultation from the Highways DC arm of the Council does raise concern on this factor. For my part I am satisfied that the scheme can be undertaken with suitable space to spare between these objects and that their existence in this instance given their form and siting, the nature of the road and footway, and the alignment generally would not be a material factor in highway safety terms.
6. The Council's Site Development Policies DPD includes Policy DM21 and the Core Planning Strategy DPD encompasses Core Policy BP10. These policies, amongst other matters, seek to deliver development which provides for safe operation of highways. I conclude that the appeal proposal would not run contrary to these policies for the reasons I have given.

Conditions

7. The Council properly suggests the standard commencement condition. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans as this provides certainty. The Council proposes that 2 x 2m pedestrian / vehicle visibility splays are provided but, even if it were practicable in these tight surrounds, I would deem that requirement as being unnecessary. I say this because the property lies on the outside of a curve which helps visibility, frontage boundary treatment is varied, the footway is of good width, numerous crossovers exist making pedestrians aware of the prospect of potential vehicular movement, and the pedestrian volumes appeared to be very low.

Overall conclusion

8. For the reasons given above I conclude that appeal proposal would not have unacceptable adverse effects on the safety of the public highway. Accordingly the appeal is allowed.

D Cramond

INSPECTOR