
Appeal Decision

Site visit made on 28 March 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/P5870/W/16/3166049
66A Beeches Avenue, Carshalton SM5 3LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Dave Hamilton against the decision of the Council of the London Borough of Sutton.
 - The application Ref C2016/75669/FUL, dated 22 October 2016, was refused by notice dated 16 December 2016.
 - The application sought planning permission for demolition of detached garage and erection of a detached part one part two storey three-bedroomed house with roof accommodation and three car parking spaces (two for donor property) without complying with a condition attached to planning permission Ref C2015/73349/FUL, dated 10 March 2016.
 - The condition in dispute is No 2 which states that: *"The development hereby permitted shall be carried out in accordance with the following approved plans: OS Map, Block Plan, 1001-1003 Rev. D, 1004 Rev. B, 1100 Rev. A, 1101, 1200-1203."*
 - The reason given for the condition is: *"For the avoidance of doubt and in the interests of proper planning."*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The development comprises the construction of a dwelling to the side of 66 Beeches Avenue, Carshalton following the demolition of the garage at the property. The development has begun, with the existing access remaining to be shared by both properties.
3. It is proposed to vary the drawings specified in the condition to allow a new access to the original property, such that individual accesses would be provided for the two properties. This follows a number of previous planning applications for similar proposals that have been refused by the Council.
4. Consequently, the main issue is the effect of the proposed additional access from Beeches Avenue on highway safety.

Reasons

5. The existing shared access to 66 and 66A Beeches Avenue is close to the neighbouring access, up a steep grass verge with a hedge and across the pavement to the parking area for 3 cars to the front of the properties. The
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- proposal would provide a new access to no. 66 with parking for two vehicles outside each property.
6. A narrow opening is proposed through the hedge on the verge. The height of the hedge and proximity to the pavement would result in limited visibility along the pavement for vehicles accessing the site, particularly in comparison to the existing access where there is less of a hedge, despite the adjacent tree. This lack of visibility along the pavement would cause harm to pedestrian safety as vehicles approach the access.
 7. It has been suggested that this could be addressed through a legal agreement under Section 106 of the Town and Country Planning Act 1990 in order to remove a section of the hedge to allow visibility, but no such agreement has been provided. In the absence of such an agreement, I cannot take this into account and have to deal with the scheme on the basis of the hedge being retained.
 8. The grass bank between the hedge and the vehicular highway provides 2m visibility splays to either side of the access between the hedge and road. This would ensure visibility to either direction along Beeches Avenue, such that this would not result in harm to vehicle safety.
 9. The proposed access would be of a similar gradient to the existing access up from the highway and would be wider. This would lead to potential for grounding by cars utilising the access and for vehicles to roll backwards onto the road, but would not differ in this regard from the existing situation. Potential for over-accelerating over the verge toward the pavement would add to the harm I have identified to pedestrian safety given the lack of visibility through the hedge.
 10. The proposed new access is in close proximity to a bus stop, where the Council suggest stopping and parking would be contrary to provisions of the Highway Code. Whilst vehicles using the proposed crossover would be travelling slowly before turning into the site, it is not clear how that would result in conflict with buses using that bus stop or how it would adversely affect vehicle safety in this location.
 11. The parking standards referred to in Policy DM22 of the London Borough of Sutton Site Development Policies Development Plan Document (SDP) are expressed as maximum standards and there is some dispute as to whether the PTAL rating is poor or moderate. The extra parking space for the two dwellings would bring the parking up to the maximum level in the parking standards, which would remain in compliance with this policy, but that would only provide a very limited benefit, even if the PTAL rating were poor. The development as approved does not provide turning space, but the proposals would provide space at 66 Beeches Avenue such that cars could access and egress that property in a forward gear.
 12. I note that trees and hedges are located along the roadside adjacent to the proposed access. Although a short length of hedge would be lost, this would not have a material effect on the character and appearance of the area and the closest tree would be protected during construction of the access. I note that there are other vehicle crossovers in the vicinity that may not meet current standards, including opening onto another bus stop nearby, and vehicle accident data suggests that nearby accidents were not related to vehicles

entering or leaving cross-overs. However, these crossovers are historic and I need to assess the proposed development on its individual merits.

13. In conclusion, the benefits of additional parking and turning on site, combined with the limited use associated with a single dwelling, would not be sufficient to overcome the harm I have identified from the lack of visibility to the pavement resulting from the limited opening proposed in the roadside hedge.
14. For these reasons, the proposed additional access would harm highway safety in the vicinity of 66 Beeches Avenue. As such, the proposed development would be contrary to Policies DM1 and DM20 of the SDP and Policy 6.3 of the London Plan that seek to provide safe car parking that does not have adverse transport impacts, including on bus movement. As a result, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR