



Appeal Decision

Site visit made on 11 July 2017

by Gwyn Clark BSc DipTP MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/L5240/D/17/3174004

41 Mayfield Road, Thornton Heath CR7 6DN

- 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 Mrs Sumaira Sattar against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/06227/HSE, dated 6 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is formation of vehicle access.
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Decision

- 1) I allow the appeal and grant planning permission for the formation of a vehicle access at 41 Mayfield Road, Thornton Heath CR7 6DN in accordance with the terms of the application, Ref 16/06227/HSE, dated 6 December 2016, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the approved drawing No 41/MR/01.
 - 3) Visibility splays measuring 1.5m x 1.5m on either side of the access and with no obstruction above 0.6m shall be provided before the access is brought into use and shall be retained for so long as the development remains in existence

Main Issue

- 2) The main issue is the effect of the proposal upon highway safety.

Reasons

- 3) No 41 Mayfield Road is a mid-terraced house situated on a wide, straight residential street. On-street car parking takes place on both sides of the road. The houses stand at a uniform distance from the road behind relatively shallow front gardens, of approximately 3.8m in depth. These are contained by low walls constructed predominantly in either brick or stone. A wide footpath is provided on both sides of the road and trees planted within the footpath are a particularly attractive feature of the street.
- 4) Some front gardens are still planted with hedging and shrubs and retain a pedestrian gate in the front boundary wall. However in many cases the front

wall has been removed and the area hard surfaced to facilitate the parking of a vehicle. Over half the houses on this side of Mayfield Road have a car parking space provided in this way and a similar pattern has been established on the opposite side of the street.

- 5) The front wall of No 41 has been removed and the ground has been hardsurfaced, but no dropped kerbs have been installed. There are no pavement planted trees in the immediate vicinity.
- 6) At the time of my site visit most of the car parking spaces created to the front of the houses along Mayfield Road were not being used. However I suspect they are more heavily used in the evening and at weekends. In the vicinity of the appeal site I observed four vehicles parked in spaces comparable with the that proposed here.
- 7) In two examples on the same side of the road as the appeal site the car parking space created in the same way as proposed is able to accommodate the vehicle, in each case a relatively small family car, at right angles or at a slight angle without overhanging the pavement. This demonstrates that a small car is capable of using the space provided without contravening s137 of the Highways Act. In the other two examples on the other side of the road a much larger vehicle was parked which did result in an overhang. In these two cases however the pavement was still wide enough for the vehicle not to cause an obstruction or force pedestrians onto the road despite in each case the access being situated close to a pavement planted tree.
- 8) Specific guidance is given on parking in front gardens within the Residential Extensions and Alterations Supplementary Planning Document No. 2 (SPD). The car parking space proposed would meet the minimum width specified within the SPD and allow for a separate pedestrian access to the dwelling. As no gates are proposed a minimum depth of 4.8 metres is not a requirement. The space is large enough to accommodate a small family car without overhanging the footway and where this does occur the pavement is wide enough to allow pedestrians to freely pass by.
- 9) Car parking within the front gardens of the houses along Mayfield Road is already an established feature and it can take place without compromising the safety of pedestrians, cyclists or other road users. Saved policies UD12 and UD13 of the Croydon Replacement Unitary Development Plan, policy SP8.1 of the Croydon Local Plan Strategic Policies and policies 6.12, 6.13 and 7.4 of the London Plan give emphasis to improving the safety of pedestrians, cyclists and local residents. I find that the policies of the development plan when taken as a whole are met.

Conclusion

- 10) I conclude that the appeal should be allowed and planning permission granted subject to the standard time limitation for commencement and plans compliance conditions imposed in the interest of clarity and condition 3 requiring sight lines to be maintained in the interest of highway safety.

Gwyn Clark

INSPECTOR