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## Appeal Decision

Site visit made on 20 February 2018

**by Elaine Gray MA(Hons) MSc IHBC**

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

**Decision date: 5<sup>th</sup> March 2018**

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**Appeal Ref: APP/L5240/W/17/3183288**

**Land at 44 Abbots Lane, Kenley, Surrey CR8 5JH**

- The appeal is made under section 78 of the Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Thomas Jupp against the decision of the Council of the Royal Borough of Croydon.
  - The application Ref 16/06122/FUL, dated 29 September 2016, was refused by notice dated 16 March 2017.
  - The development proposed is erection of detached dormer bungalow.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dormer bungalow at 44 Abbots Lane, Kenley CR8 5JH in accordance with the terms of the application Ref 16/06122/FUL dated 29 September 2016, subject to the conditions set out in the schedule to this decision letter.

### Main Issue

2. The main issue is the effect of the proposed access arrangements on highway safety.

### Reasons

3. The appeal site comprises land to the rear of 44 Abbots Lane. A single dwelling would be constructed, and two off-street car parking spaces would be provided. However, no turning space would be provided and so it would be necessary for vehicles either to enter or leave the site in reverse gear. Abbots Lane is currently subject to a 30mph speed restriction. To the south of the site is a sharp bend in the road. The new car parking spaces would be located at the point within the site that is furthest to the north.
4. In response to the Council's concerns over highway safety, the appellant has commissioned a document entitled 'Statement of Evidence', which details the results of an Automatic Traffic Counter (ATC) survey that was carried out over the course of a week in June 2017. The survey indicated that southbound speeds on Abbots Lane close to the appeal site were on average around 23mph, and around 16mph northwards from the bend towards the site.
5. On my unaccompanied site visit, I observed that the road was relatively lightly trafficked. I saw that vehicles travelling from the south-west toward the bend slowed down significantly in order to negotiate it. Speeds were further reduced when a vehicle was encountered coming from the opposite direction. I noted that a number of vehicles were parked along the east side of Abbots Lane,

opposite the appeal site. The presence of these parked vehicles obliged traffic travelling south to move cautiously on the approach to the bend. I saw no indication of the high speeds referred to by the Council, although I appreciate that my visit to the site provides only a snapshot of the traffic conditions.

6. The Council in, their statement of case, indicate that the visibility splay distances provided by the appellant are not in dispute. I agree that the quoted visibility distances are pertinent where vehicles are moving forward. However, whilst I recognise that it would be preferable for vehicles to exit the appeal site in a forward gear, there is no outright prohibition against residents reversing off the site onto the road. Submitted Drawing No. 8C shows that a forward visibility distance of 40m would be achieved by a driver exiting the bend and travelling towards the appeal site. Given that vehicles would only be starting to accelerate around this point, I consider this distance to be sufficient, with reference to Table 7.1 of the Manual for Streets (the MfS), and particularly as there is little compelling evidence before me to show that the section of road immediately outside the appeal site is dangerous
7. I do not consider it likely that a second parked car on the site would harmfully obscure a driver's view. The MfS states that defined parking bays should be provided outside the visibility splay, which would be the case in this instance. I note that the MfS also states that parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.
8. The Council's document entitled 'Supplementary Planning Document Note 2' (SPD) sets out guidelines for the provision of parking in front gardens. I appreciate that the document is intended for those making changes to an existing residential property. However, I see no reason why the principles should not equally be applied to a proposed new dwelling. The SPD indicates that turning areas should be provided in some circumstances where road indications dictate that this might be necessary. However, it is not essential that a turning area should be provided in every case. In terms of pedestrian safety, the SPD suggests that 1.5m x 1.5m visibility splays should be provided, which the scheme would achieve. I note that the footpath finishes just to the north of the appeal site, which would lessen the numbers of pedestrians using it in any case.
9. I have taken account of the fact that no accidents have been reported in the area in the last five years. Anecdotal evidence from third parties suggests that any incidents that have occurred have been at low speeds, and have been of a minor nature. I note the Council's concern that some drivers will be travelling faster than within the 85<sup>th</sup> percentile speeds recorded by the ATC survey. However, there will always be situations where individuals will choose to drive travel faster than road conditions would indicate. This in itself is not justification to withhold planning permission for an otherwise acceptable scheme. As this is clearly a residential area, there is no reason to suppose that drivers would not be aware of the possibility of other drivers seeking to exit their parking areas and join the highway.
10. Drawing the above factors together, I therefore conclude the proposed parking arrangements would not unacceptably harm highway safety. As a result, no conflict would arise with Policy UD13 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 (UDP), insofar as it requires that car parking should be safe, secure, efficient and well

designed, or with Policy 6.13 of the London Plan (LP), which relates to parking provision for new development. The proposal would accord with the guidelines in the SPD, and with the NPPF, which promotes sustainable travel.

11. The Council additionally cites LP Policy 6.12, which refers to proposals that would increase road capacity, Policy 8.1 of the Croydon Local Plan Strategic Policies (CLP), which seeks to deliver a transport and communications network capable of supporting growth, CLP Policy 8.17, which relates to parking standards outside PTAL areas, UDP Policy T2, which relates to traffic generation from development, and UDP Policy T8, which relates to car parking standards in new development. I have taken note of these, and I find that they are less directly relevant to the reason for refusal, which pertains to highway safety.

### **Other Matters**

12. Objections have been voiced regarding the effect of the proposal on the character and appearance of the area, and the effect on natural light. However, I note that the Council have not objected to the scheme on these grounds, and there is little basis for me to take a different view.
13. I note that the Kenley and District Residents' Association disputes a number of points raised within the appellant's submissions. However, the Association has offered little detailed or technical evidence to the contrary, and so this representation has not led me to a different conclusion on the main issue.
14. Any disruption during construction would be for a temporary period only, and would not justify the withholding of planning permission. Any necessary repairs and associated costs as a result of construction works would be a private matter between the parties involved. I have taken account of all other representations provided by interested parties, but they have not led me to a different conclusion.

### **Conditions**

15. The Council have suggested a number of planning conditions which I have considered against the relevant advice in the Planning Practice Guidance. As a result, I have amended some of them for clarity and brevity, and to avoid repetition.
16. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to materials and landscaping are appropriate in the interests of character and appearance. A condition relating to parking provision and visibility splays are necessary to ensure highway and pedestrian safety. Conditions relating to water and carbon dioxide, and requiring details of cycle/refuse storage are necessary to ensure a sustainable form of development. A condition requiring a Construction Method Statement is necessary to safeguard neighbour amenity.
17. I have not imposed the proposed conditions restricting the formation of new windows or doors, and other permitted development rights. Clear justification is required for such restrictions, and the PPG advises that they should only be used in exceptional circumstances. There is no evidence before me in this case to justify such conditions.

18. It is essential that the requirements of Conditions 4, 6 and 8 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.

### **Conclusion**

19. For the reasons above, I conclude that the appeal should be allowed.

*Elaine Gray*

INSPECTOR

### **SCHEDULE OF 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: Block Plan; Site plan; Proposed elevations; Proposed floor plans; Proposed floor plans with dimensions; Proposed roof plan & typical section; Sections through the site showing existing and proposed ground layouts; Drawing No. 8C.
- 3) No works to any above ground external elevation of the building hereby permitted shall commence until details of the external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be implemented in accordance with the approved details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include:
  - a. indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
  - b. areas of new planting;
  - c. details of species, size and density of new planting;
  - d. hard landscaping including boundary treatments, walls, fences, paths and open areas, including details of materials, and;
  - e. sustainable urban drainage systems.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall commence until details of how the development shall achieve a reduction in carbon dioxide emissions of 19% beyond the

2013 Building Regulations shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development, details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the local planning authority.

- 7) The development shall achieve a water use target of 110 litres per head per day.
- 8) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - a. details of delivery and construction working hours;
  - b. parking of vehicles associated with deliveries, site personnel, operatives and visitors;
  - c. facilities for the loading and unloading of plant and materials;
  - d. details of the storage facilities for plant and materials;
  - e. the siting of any site huts and other temporary structures, including site hoardings;
  - f. details of the proposed security arrangements for the site;
  - g. details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
  - h. details outlining the proposed range of dust control methods and noise mitigation measures during construction, and;
  - i. the prohibition of the burning of materials on site.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) The dwelling hereby permitted shall not be occupied until refuse storage and cycle storage facilities have been provided in accordance with details that have been submitted to and approved in writing by the local planning authority. The facilities shall be retained and remain available for use thereafter.
- 10) The dwelling hereby permitted shall not be occupied until visibility splays and vehicle parking bays, including two electric vehicle charging points, have been provided in accordance with submitted details, and shall be retained and remain available for use thereafter.