



Appeal Decision

Site visit made on 20 June 2019

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal Ref: APP/L5240/D/19/3225355
277 Thornton Road, Croydon, CR0 3EW.

- 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 Miss Nicole Russell against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/04981/HSE, dated 18 July 2018, was refused by notice dated 25 January 2019.
 - The development proposed is formation of a crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development, as it is shown on the planning application and appeal forms, is over explanatory on the development to which the appeal relates. I have therefore taken the description of development from the Council's Decision Notice as this is more succinct. This does not fundamentally change the scheme before me nor would it, in my view, prejudice the case of either party in relation to it. I have proceeded on this basis.

Main Issue

3. The main issue is the effect of the development on the highway safety of pedestrians and vehicles on Thornton Road.

Reasons

4. Thornton Road is a busy road, which is served by two bus routes. It forms part of the Transport for London's Road Network which is of strategic importance. Transport for London (TfL), who were statutory consultee in relation to the proposed development, objected to the proposal and raised six issues.
5. TfL's issues were: (a) concerns about highway safety; (b) that vehicles should be able turn within the site; (c) that a tree on the pedestrian footpath would be likely to impede sightlines; (d) that installation of a crossover in this would require suspension of existing parking bays; (e) concern that works might damage the tree and any costs incurred should be met by the applicant; and (f) that covers for utilities may need reinforcing and therefore liaison with utility providers would be necessary.

6. It was evident from my site visit that there is insufficient room on the appeal site to allow the turning of a vehicle and therefore it is likely those using the parking space in front of No. 277 Thornton Road (No.277) would need to reverse into or out of the parking space, across the pedestrian footpath.
7. This would be the same arrangement as exists for the dwellings either side of No.277 and, indeed, similar to most other properties on this side of Thornton Road, between Marden Crescent and Boston Road.
8. Regardless of whether a vehicle is travelling forward or reversing, the critical issue is to ensure the highway safety for all users of Thornton Road, including pedestrians. The Council's guidance¹, in line with Policy DM29 of the Croydon Local Plan 2018 (Local Plan), requires the provision of sufficient visibility splays with no obstructions to help ensure highway safety.
9. I have no substantive information in front of me that demonstrates that adequate visibility splays would be provided and I note that the Council are also concerned about the adequacy of the sightlines available.
10. Furthermore in relation to highway safety, I note TfL's concern that the tree on the footpath might also impede sightlines for vehicles exiting the property and may introduce a safety risk for pedestrians. The Council officer's report suggests that this concern could be overcome through the imposition of a condition requiring a Stage 1 Road Safety Audit.
11. However, I do not consider that such an approach would work satisfactorily, if the tree was found to impede sightlines in a way that could not be overcome. I do not consider that an acceptable outcome would be the loss of a mature tree that contributes to the character of the area and thus it appears to me that the issue of whether the tree impedes visibility needs to be resolved before a final decision could be made.
12. Again, the absence of substantive evidence that the tree would not impede sightlines and not introduce a further safety risk for pedestrians, adds to my concerns about the highway safety of the proposed development.
13. In contrast, I consider that the remaining three of the six issues (issues (d), (e) and (f)), raised by TfL, could be overcome through the imposition of suitable planning conditions, or in the case of point (f) an informative attached to a permission.
14. Having regard to the clear objection on highway safety grounds from the statutory highway authority and the absence of substantive evidence that demonstrably overcomes those concerns, I find that the proposed development would harm the highway safety of pedestrians and vehicles on Thornton Road.
15. Consequently the development would be contrary to Policy DM29 of the Local Plan and the guidance set out in Supplementary Planning Document 2 'Residential Extensions and Alterations' (SPD) in so far as the local plan and SPD require that new development must not have a detrimental impact on highway safety.

¹ Supplementary Planning Document No.2 'Residential Extensions and Alterations'

Other matters

16. I have taken particular note of the reasons for the appellant seeking permission for the formation of a crossover. While this provides weight in support of proposal, it does not outweigh the harm I have identified.
17. I note that many neighbouring properties, including the next door property, No. 279, which almost as close to the footpath tree as No.277, have dropped kerbs that allow the parking of vehicles in front of the dwelling. I accept there is a need for consistency in terms of decision making, however, I do not have substantive evidence in front of me about the provision of a dropped kerb in front of No.279: for example, whether planning permission was sought for the formation of a crossover and, if so, what, if any, highway considerations were addressed.
18. Furthermore, it is necessary to consider each case on its merits and I am clear that there are highway safety concerns about the appeal proposal which have not been satisfactorily resolved. Consequently, the existence of other crossovers in the vicinity of the appeal site, including one serving the next door property, does not alter my conclusion on this matter.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, I dismiss this appeal.

Anthony Thompson

INSPECTOR