



Appeal Decision

Site visit made on 2 July 2019

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2019

Appeal Ref: APP/L5240/D/19/3230929

29 Woodcote Grove Road, Coulsdon, Surrey CR5 2AG

- 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 David Sutch against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01394/HSE, dated 21 March 2019, was refused by notice dated 16 May 2019.
 - The development proposed is the conversion of front garden to hardstanding (in a porous material) for vehicle parking and creation of vehicular crossover.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the application form was lengthy and included wording which was not an act of development. In the interests of clarity I have utilised the description used by the Council in their decision notice, and cited by the appellant in section E of the Appeal Form, in the heading above.

Main Issue

3. The effect of the development on pedestrian and highway safety, particularly with regard to the adequacy of the proposed parking space.

Reasons

4. Woodcote Grove Road features a line of buildings to one side that are consistently setback from the road. The highway includes on-street marked parking bays with restricted use and footways of sufficient width to enable people to pass one another. The surrounding properties feature a mixture of enclosed front gardens and hardstanding dominated open frontages, most of which align with dropped kerbs.
5. The proposal would see the removal of the existing front wall, gates and landscaping and the provision of a parking space that would be accessed from a new vehicle crossover. The main parties disagree in relation to the length of the parking space that can be achieved, but even using the larger of the two stated dimensions, the parking space would be significantly shorter than the driveway standard that is set out within the Council's Suburban Design Guide Supplementary Planning Document 2018 (SDG).

6. As a result, it is likely that the majority of cars using the proposed parking space would overhang the public footway and cause obstruction to pedestrians. The width of the footway means that it would be likely to remain usable at most times, but an encroaching car would still impede pedestrian movements to some extent. This may lead to pedestrians being required to enter the carriageway to pass each other, particularly those walking with young children, pushing prams or using wheelchairs, who would be putting themselves at considerable risk from passing vehicles. This would undermine pedestrian safety and the prioritisation of pedestrians. Whilst the parking space would be wider than required, this would do little to accommodate a vehicle and, therefore, I do not find that this would mitigate the identified harm.
7. I observed off-street parking spaces at other properties within Woodcote Grove Road but have not been provided with details of how they came into existence and as such cannot give their presence significant weight. I have been made aware that other controls exist to prevent parked cars overhanging the highway, but my observations demonstrate that these cannot be wholly relied upon as I witnessed one parked car partially encroaching onto the footway. The appellant proposes to ensure that any car using the proposed space would not impinge on the footway and states that his visitors have small cars, but a future occupant may not be as vigilant and they or their visitors may not have small cars. A condition related to either of these suggestions would not be reasonable or enforceable.
8. For these reasons, I conclude that the development would have an unacceptable effect on pedestrian and highway safety as a result of the proposed parking space being of inadequate size. The proposal is therefore contrary to the Council's SDG and policies DM10.2 and DM30 of the Croydon Local Plan 2018 which state that parking should not cause vehicles to encroach on the public highway and that the movement of pedestrians should not be impeded by the provision of car parking.

Other Matters

9. The appellant has set out that the parking space would serve visitors, some of whom are disabled, who have experienced difficulties in finding convenient parking spaces. The importance of those visits occurring with respect to the appellant's health and wellbeing has also been highlighted. I have sympathy for the circumstances of the appellant and appreciate the benefit to the appellant that would arise from the provision of parking. However, my observations and the parking controls that exist indicate that there is a likelihood that parking is available for parts of the day, albeit at a time that may not be most convenient for the appellant's visitors.
10. I give weight to the circumstances of the appellant and have had due regard to the Public Sector Equality Duty as contained within section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, having given the matter careful consideration, these factors do not outweigh the considerable harm and unacceptable impact on highway safety that would be caused by the proposal in respect of my aforementioned conclusion on the main issue.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR