



Appeal Decision

Site visit made on 19 November 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/M3645/W/19/3235087
85 Chaldon Road, Caterham CR3 5PJ

- 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 Lynette Thomas against the decision of Tandridge District Council.
 - The application Ref TA/2018/2559, dated 2 September 2018, was refused by notice dated 10 June 2019.
 - The development proposed is the installation of a vehicular crossover to the front.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a vehicular crossover to the front at 85 Chaldon Road, Caterham CR3 5PJ in accordance with the terms of the application, Ref TA/2018/2559, dated 2 September 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan; block plan; and dropped kerb plan.
 - 3) No vehicle shall access the site from Chaldon Road until the proposed vehicular access to Chaldon Road hereby approved has been constructed in accordance with the approved plans. The vehicular access shall be permanently retained thereafter.
 - 4) The development hereby approved shall not be first brought into operation until space has been laid out within the site in accordance with the approved plans for a vehicle to be parked. Thereafter the parking area shall be retained and maintained for its designated purpose.

Preliminary Matter

2. The description of development shown on the Council's decision notice is more concise than the description shown on the planning application form and I have therefore used it in the banner heading and the decision.

Main Issues

3. The main issues are the effect of the proposed development on (i) highway and pedestrian safety; and, (ii) the living conditions of the occupiers of neighbouring properties, with particular regard to traffic, noise and pollution.

Reasons

Highway and pedestrian safety

4. The appeal property is located in a predominantly residential area. Chaldon Road is a local distributor road with a 30mph speed limit. The section of Chaldon Road where the appeal property is located is straight with good forward visibility. I observed during my site visit that there are parked cars on each side of the road, which are generally parked with 2 wheels on the pavement. Many nearby properties are served by dropped kerbs that provide vehicular access to on-site parking to the front of the houses.
5. The proposed vehicular crossover would provide an on-site parking space to the front of the dwelling. I have had regard to the objection from the highway authority. The parking area would not be large enough to provide manoeuvring space to enable a vehicle to enter and exit the site in forward gear. Consequently, a vehicle would either need to reverse into the parking space from the highway or reverse from the parking space into the highway.
6. Nevertheless, there are several nearby examples of similar on-site parking arrangements. The appellant has drawn my attention to a vehicular crossover at No 75 Chaldon Road, which was granted conditional planning permission by the Council in March 2017 (Ref TA/2017/31). The officer report for that application notes that there was no objection from the highway authority.
7. There is a strong similarity between the appeal scheme and the parking arrangement at No 75. The neighbouring property is located 5 houses along and it is positioned on the same building line with a similar sized front garden. There clearly is not sufficient space for vehicles to turn within the front parking area of No 75, which is reminiscent of other on-site parking spaces in the area. Case law¹ has held that consistency in decision-making is important for securing public confidence in the operation of the development control system, and like cases should be decided in a like manner. The Council has not submitted evidence to demonstrate how the appeal scheme is materially different to the vehicular crossover at No 75. Therefore, the vehicular crossover at No 75 is a material planning consideration that weighs in favour of the appeal scheme.
8. The appeal property is located in a built-up area with a 30mph speed limit where drivers should anticipate manoeuvring vehicles. Given that there are already manoeuvring vehicles from neighbouring driveways and parallel parking across the pavements, I consider that the proposed vehicular crossover would not materially harm highway safety. Chaldon Road is a straight road with good forward visibility where drivers would be able to see a vehicle manoeuvring into or from the proposed parking space.
9. The number of movements from the proposed on-site parking space would be small and it would not be significantly more harmful to pedestrian safety than the current situation where vehicles manoeuvre across the pavement to parallel park.
10. For the above reasons, I conclude that the proposed development would not materially harm highway and pedestrian safety. The proposal would therefore comply with Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029 and objective 3 of the Surrey Transport Plan 2011-2026, which, amongst other things, state that development will be permitted where the proposal does not unnecessarily impede the free flow of traffic on the existing network or create hazards to that traffic and other road users. The appeal scheme would also accord

¹ See Fox Strategic Land and Property Ltd v SSCLG & Anor [2012] EWHC 444 (Admin) (02 March 2012)

with paragraph 109 of the National Planning Policy Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts would be severe.

11. The Council has cited Policy CSP18 of the Tandridge District Core Strategy in the first reason for refusal, however this policy is not directly relevant to the Council's objection in respect of highway and pedestrian safety.

Living conditions

12. The Council is concerned that a car would have to perform multiple manoeuvres to enter and exit the parking area, which would harm the living conditions of the occupiers of neighbouring properties by reasons of traffic, noise and pollution. Nevertheless, the number of daily vehicular movements from the proposed parking area would be small and therefore it would not cause significant harm to the living conditions of neighbouring properties.
13. Vehicles parking on the street already manoeuvre close to the neighbouring houses and the proposed development would not materially worsen this situation. Furthermore, the relationship to neighbouring properties is very similar to the development that was previously approved at No 75 Chaldon Road, as referred to above.
14. For these reasons, I conclude that the proposed development would not cause significant harm to the living conditions of neighbouring properties. The proposal would therefore accord with Policy CSP18 of the Tandridge District Core Strategy (2008), which, amongst other things, states that new development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty.
16. Conditions requiring the vehicular access and parking space to be provided in accordance with the approved plans are necessary in the interests of highway safety.

Conclusion

17. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR