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## Appeal Decision

Site visit made on 10 December 2019

**by M Seaton DipTP MRTPI**

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

**Decision date: 23 December 2019**

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**Appeal Ref: APP/Z5630/D/19/3237462**

**12 Amberwood Rise, New Malden, KT3 5JE**

- 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 Kathryn Stephen against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
  - The application Ref 18/14893/HOU, dated 12 September 2018, was refused by notice dated 29 July 2019.
  - The development proposed is the formation of a vehicular access to proposed parking space.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposed development would safeguard the highway safety of pedestrians and road users.

### Reasons

3. The appeal site is located on the northern side of Amberwood Rise close to the junction with Knightwood Crescent and Wilverley Crescent. The site is occupied by a two-storey semi-detached dwelling and possesses a modest sized front garden set behind a low wall.
4. On the basis of my observations of the immediate vicinity and wider area, I note that many dwellings possess either formal or informal vehicular access on to hardstanding in front of the property, and I note that the Council accept that it is part of the character of the area. I would agree with this assessment.
5. The Council has expressed concern over the quality of the submitted plans and whether they provide sufficient information to allow a robust assessment of the proposal in the context of pedestrian and highway safety. I acknowledge the Council's stance in this regard but am satisfied that the '*Proposed Works*' plan provides a reasonable indication of the relative position of the proposed access including dimensions to adjoining boundaries from which to make a positional assessment. Furthermore, I consider that the imposition of a condition to secure further detailed plans more akin to the *Dropped Kerb Example* plan as provided by the Council would have been a reasonable way of resolving any qualitative issues.

6. However, despite the above conclusion, I agree with the Council that the position of the plot and proposed access in close proximity to the junction requires sufficient scrutiny to ensure that there would not be an adverse impact on pedestrian or highway safety. In particular, I note that no information has been provided by the appellant in respect of whether reasonable visibility splays from the access could be maintained having regard to existing boundary treatment and planting, and also whether the layout of parking on the site could be achieved without an adverse impact on the pavement and pedestrians.
7. I consider that it would in all probability be possible to achieve an acceptable parking layout for at least a single vehicle without the dimensions of the parking space obstructing pedestrians passing the appeal site on the pavement. However, the absence of any assessment or details regarding the provision and maintenance of visibility, particularly in light of the extent of existing planting in the neighbouring front garden of No. 2 Knightwood Crescent, does not provide satisfactory reassurance that there would not be an adverse impact on highway safety as a consequence of the proximity to the junction. Whilst I have noted there are other examples of vehicular accesses close to junctions in the wider area, I find the absence of a demonstration of appropriate visibility to be the critical determining factor in this instance.
8. I have had regard to the appellant's reference to the unfairness of the Council's utilisation of a recently adopted Crossover Policy. However, whilst it must be the case that this decision is taken on the basis of the development plan and other material considerations in place at the time of the decision-making, beyond the plan showing the Dropped Kerb Example previously referred to I have not been provided with a copy of any Council policy on crossovers, and it has not therefore had any bearing on my determination of this appeal.
9. For these reasons, I am not persuaded that the proposed development would adequately safeguard highway safety for pedestrians and other road users. The proposal would therefore not accord with Policy DM10 of the Royal Borough of Kingston upon Thames Core Strategy 2012, which sets out the need for development to ensure that road and highway safety are not adversely affected.

### **Other Matters**

10. I have had regard to the appellant's concerns over the Council's processing of the planning application, but these are not matters which address the planning merits of the case, and I have not therefore attached any weight to them in my decision-making.

### **Conclusion**

11. For the reasons set out above, the appeal is dismissed.

*Martin Seaton*

INSPECTOR