



Appeal Decision

Site visit made on 26 February 2020

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2020

Appeal Ref: APP/P5870/D/19/3242156

178 Green Wrythe Lane, Carshalton, Sutton SM5 2SR

- 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 Laura Watkins against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01507, dated 29 August 2019, was refused by notice dated 26 November 2019.
 - The development was described on the application form as "dropped kerb for hard standing on drove way for vehicle (*sic*)".
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on highway and pedestrian safety, with particular reference to its proximity to a bus stop.

Reasons

3. The appeal site is located along a classified road and contains a mid-terrace house, with a front garden including a footpath and a gravelled area. A low side boundary wall and brick pillar are located by No 176 Green Wrythe Lane, at the front of the property. Street marked car parking bays are located along Green Wrythe Lane, including in front of the appeal site and extending past No 180 and part of No 182 Green Wrythe Lane. These marked bays occupy part of the footpath and carriageway. Opposite the appeal property is a bus stop.
4. The proposed development would involve the creation of a dropped kerb outside of the appeal property, to provide access to an on-site car parking space at the front of the property.
5. At the site visit, I observed that in instances where a bus parks at the bus stop and vehicles are parked in the street parking bay opposite, overtaking traffic is concentrated in the centre of the road. In this context, there is no substantive evidence that the proposal would not result in a significant risk of traffic collisions where a vehicle exits the appeal site, particularly in reverse gear. Furthermore, although, there is a pedestrian crossing not too far from the bus stop it is likely some pedestrians may cross the road close to the appeal site due to its proximity to the bus stop. There would also be potential conflict from vehicles exiting the appeal site and pedestrians crossing the road close to

the bus stop. The proposal would therefore result in the risk of conflicting vehicular movements and harm to highway safety.

6. I accept the proposal would be in accordance with the guidance diagram within the Vehicle Crossover Policy and Application Pack (2019) as the bus stop is not on the same side of the road as the proposed dropped kerb. However, compliance with this guidance diagram would not overcome the harm I have already identified with respect to highway safety.
7. I note there are existing dropped kerbs along the road, however I do not have details of the planning circumstances surrounding their construction. In any event, each appeal must be considered on its own merits, having regard to adopted planning policies. The appellant has raised safety concerns over the position of the existing marked parking bay outside of her property, which I note, however I do not consider that addressing these safety concerns would outweigh the highway safety harm I have already identified. This is because the proposal would create a significant risk to highway safety for different reasons, from vehicle movement conflict.
8. I note that the appellant has provided an email from the Council's Highways team, offering a refund for their crossover application. However, this does not overcome the planning harm previously noted.
9. Consequently, I find the proposal would harm highway and pedestrian safety and would fail to accord with Policy 36 of the Sutton Local Plan 2016-2031 (2018) which seeks amongst other things, that development proposals should be located so as to minimise any adverse impact on the highway network. It would also conflict with Paragraph 109 of the National Planning Policy Framework (2019) that amongst other things indicates that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Conclusion

10. For the reasons given above, I therefore conclude that the appeal should be dismissed.

L Gilbert

INSPECTOR