



Appeal Decision

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/P5870/D/19/3243329
51, Manor Road, Wallington SM6 0BX

- 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 Alexa Robertson against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01316, dated 26 July 2019, was refused by notice dated 16 October 2019.
 - The development proposed is the formation of a new crossover to the front of the property onto a Classified Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the Council's decision notice, which more accurately describes the proposal.
3. In light of the Covid-19 coronavirus pandemic, the consequent travel limitations, and following consideration of the grounds of appeal and the submitted evidence, my view is that this appeal could, exceptionally, be determined without the need for a site visit. I sought the views of the main parties and no objections to this approach were received within the specified timescales.
4. Both main parties refer to the Council's Crossover Policy. However, this was not in the submitted evidence. The Council has subsequently provided a copy of the 2017 Crossover Policy which was used in refusing planning permission for the appeal development. I have had regard to this policy, which is not part of the development plan, in determining the appeal.

Main Issue

5. The main issue is the effect of the proposal on highway safety.

Reasons

6. The appeal property is a semi-detached dwelling, on the eastern side of Manor Road, a short distance to the south of a bus stop, which is also on the eastern side of Manor Road. Both of the semi-detached dwellings have hard landscaped front garden areas, which photographic evidence shows can each accommodate two vehicles.

7. Manor Road is a two-way, single carriageway street. The bus stop is not served by a lay-by but by a marked 'cage' on the carriageway. A bus would therefore block the southern-bound lane of Manor Road whilst at the stop.
8. Consequently, vehicles travelling south along Manor Road would have a restricted view of vehicles leaving the appeal site, should they choose to pass a bus that is stationary at the stop. Similarly, vehicles leaving the appeal site would also have a restricted view of vehicles travelling south along Manor Road when the bus stop was in use.
9. At No 53 there is an existing vehicle crossover to Manor Road; vehicles using this crossover would be some distance further from the bus cage than the proposed crossover. Whilst not shown on the submitted drawings, from the evidence the crossover at No 53 is likely to be beyond the 10 metre separation distance specified in the Crossover Policy.
10. To the north of the appeal property is another dwelling – No 55b - with a driveway leading to a vehicle crossover to Manor Road. Again, whilst not shown on the submitted drawings, this existing crossover is clearly positioned closer to the bus cage than the 10 metre separation distance specified by the Crossover Policy.
11. A metal railed fence is located by and to the south of the bus stop, which would mean that buses would need to stop a short distance from the end of the marked cage, so as to allow passengers to board or alight. This would, in practical terms, increase the separation distance between a stationary bus and the proposed crossover. However, no details of this practical separation distance are provided and I am not satisfied that it would 'comply' with the Crossover Policy or significantly improve visibility.
12. According to the evidence, only two 'slight' traffic incidents have occurred in the immediate vicinity of the appeal property between 1999 and 2018. However, no evidence has been provided regarding when the bus stop was established, when the metal fence was erected or when the crossover to the north of the appeal site was provided.
13. Even if I were to accept that the current arrangements existed in 1999, the proposed development would lead to significant intensification of vehicular movements at this location, where visibility is regularly restricted by buses. No substantive evidence has been provided to demonstrate that the proposed crossover, on a classified road, could operate safely when a bus is parked in the cage to the north.
14. I note the appellant's comments regarding the re-positioning of the crossover relative to the bus cage; that good visibility splays exist; and that the height of the boundary fence / wall could be lowered to further improve visibility.
15. Amending the scheme in the manner suggested would be contrary to Government guidance, which states that the appeal process should not be used to evolve a scheme¹. Furthermore, no evidence has been provided that shows that a repositioned crossover would comply with the 10 metre separation distance in the Crossover Policy, or that adequate visibility splays exist or would be significantly improved by lowering the boundary wall / fence.

¹ Paragraph M.2.1 Procedural Guide Planning Appeals – England (March 2020)

16. As referenced above, the front garden area is currently used to park vehicles, despite the absence of a crossover. In providing off-street car parking with a crossover at the appeal property, the appellant states that highway safety elsewhere would be improved by the reduction of on-street parking on nearby streets, which would be the only alternative. Setting aside the adverse impact to highway safety I have identified above, no substantive evidence has been provided to support this statement and I give it very limited weight.
17. Similarly, no evidence has been provided to demonstrate that a vehicle could enter and leave the site in a forward gear and I am not satisfied that it could.
18. The Council's decision notice includes reference to the proposed development conflicting with a single development plan policy - Policy 37 (Parking) of the Sutton Local Plan February 2018 (SLP). From the evidence there would be no conflict between the proposal and Policy 37 and furthermore, from the limited information before me, the proposal would not conflict with the development plan overall.
19. The appeal site is not subject to policies in the National Planning Policy Framework 2019 (the Framework) that protect areas or assets of particular importance².
20. However, the proposal would conflict with policies in the Framework promoting healthy and safe communities and sustainable transport, in particular paragraph 109; making effective use of land; and, achieving well-designed places.
21. In my view, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
22. There is no substantive evidence that the proposal would conflict with the development plan overall. However, the proposal would not be sustainable development. Furthermore, it would not accord with the Council's Crossover Policy, and would have an unacceptable impact upon highway safety. In this case, material considerations indicate that my decision should be taken otherwise than in accordance with the development plan for the area. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Conclusion

23. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

² Footnote 6 of Paragraph 11 d i) of the Framework provides a complete and exhaustive list of such policies.