



Appeal Decision

Site visit made on 8 July 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/L5240/D/19/3242608
233 Morland Road, Croydon CR0 6HE

- 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 Rantanben Shah against the decision of Croydon Council.
 - The application Ref 19/04746/HSE, dated 24 September 2019, was refused by notice dated 29 November 2019.
 - The development proposed is described as 'to drop the kerb outside my property'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety with particular regard to the suitability of the parking space provided.

Reasons

3. The appeal site is the front garden to No 233 Morland Road, a two storey mid terraced dwelling set back from and facing the road. The appeal scheme seeks planning permission to form a new vehicular access from Morland Road and in so doing use the front garden as a parking space for a single car. There seems little doubt that, due to the depth of the front garden, a vehicle parked at a right angle to the front elevation of No 233 would not physically fit without overhanging and thus causing an obstruction to the footway. The appellant does however explain that they would use a parallel arrangement.
4. With that in mind, it seems that it would be technically possible to fit a car into the space provided by the front garden, but I have concerns as to how one would get there. There is a significant depth to the space between the carriageway edge and the site boundary. It is formed by a wide footway. There are also side boundary treatments to the neighbouring dwellings either side as well as parked vehicles in the carriageway. The latter is likely to continue if the access were to be permitted given that parking on Morland Road is unrestricted. When taken together, these factors mean that an entering vehicle would have to do so at a steep angle relative to the space.
5. I am not certain based on the evidence I have seen that doing this forwards would not lead to having to undertake correction manoeuvres backwards across the footway to be able to then fit parallel to the front of the dwelling as shown. Any reversing manoeuvre in this area would have the potential to bring

the vehicle undertaking them into conflict with users of the footway. Ultimately, the difficulty in completing an entry of the appeal site forwards could lead to a reliance on doing it in reverse wherein I foresee similar problems arising, but in this case it would involve a reversing manoeuvre in the carriageway which, given the road is a busy main route could hinder the free flow of traffic.

6. Exiting the space across the new access would give rise to similar problems and potentially hazardous manoeuvres in the highway. In addition, there is a bus stop in very close proximity to where the access would be. Buses using the stop would serve as an obstacle to an entering or exiting vehicle and the space occupied by the stop may need to be relied upon for manoeuvres into or out of it. This is also less than ideal a situation for the safe operation of buses.
7. For these reasons, I am not persuaded that the appeal scheme would be acceptable in highway safety terms. Thus, there would be conflict with the Framework¹, namely paragraph 108 (b) which seeks to ensure that safe and suitable access to the site can be achieved for all users. The appeal scheme would also be contrary to Policy 6.3 of the London Plan 2016 and Policies DM29 and DM30 of the Local Plan². Amongst other things, these policies seek to ensure that development does not adversely affect safety on the transport network, the safety of pedestrians and ensure that traffic and pedestrian movement is not impeded by car parking provision.

Other Matters

8. The appellant has set out that they have agreed with their neighbours at No 231 to remove the side boundary wall that separates the two front gardens. Whilst this may go some way to mitigating the problems I have highlighted, I cannot see a way any planning permission could secure this being the case. I am uncertain based on what I have seen whether the appellant would be able to ensure this would take place (it is not clear who owns the boundary). Moreover, doing so would then likely put to use part of the garden of No 231 for manoeuvring so residents of No 233 can park parallel. This might be acceptable for current occupiers but could be unsuitable for those living there in the future. Furthermore, it could lead to the parking of a further vehicle on the frontage of No 231 which would give rise to similar problems of the ilk I have described above.
9. This arrangement appears to have been used on the frontages of Nos 225 and 227 Morland Road, a short distance to the south of the appeal site. Be this as it may, I am unsure as to how this arrangement works in practicality and whether or not it gives rise to the type of issues I have highlighted. In any case, I am unsure if this arrangement has the benefit of planning permission. I am not therefore minded to change my conclusions in its light.

Conclusion

10. For the above reasons, the appeal is dismissed.

John Morrison

INSPECTOR

¹ The National Planning Policy Framework 2019

² Croydon Local Plan 2018