



Appeal Decision

Site visit made on 15 January 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/L5240/D/20/3262545 609 Davidson Road, Croydon CR0 6DU

- 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 Mr Dantas against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02942/HSE, dated 7 July 2020, was refused by notice dated 4 September 2020.
 - The development proposed is described as "convert front garden space to vehicular access parking space and dropped kerb".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on existing trees; and
 - The effect of the development upon highway and pedestrian safety.

Reasons

Effect on existing trees

3. It is proposed to alter the front garden of the appeal property to provide off-street vehicle parking. As part of the works a dropped kerb would be constructed to provide access to and from Davidson Road.
4. Immediately to the front of the appeal site on the pavement there is an existing street tree. The tree forms part of an extensive group of street trees which line either side of the pavement along Davidson Road. The trees contribute positively to the area's character and soften the dense urban environment of Davidson Road.
5. Policy DM28 of the Croydon Local Plan 2018 (the 'LP') states that the Council will seek to protect and enhance the borough's woodlands, trees and hedgerows by ensuring that all development proposals accord with the recommendations of BS 5837¹ or equivalent; and not permitting development that could result in the future avoidable loss or excessive pruning of trees that make a contribution to the character of the area.

¹ BS 5837: 2012 Trees in relation to design, demolition and construction

6. The appellant contends that the proposal would not harm the health and longevity of the tree to the front of the appeal site. In addition, he explains that the works would adhere to the recommendations set out within BS 5837.
7. Whilst this may be the case, no technical information, such as an arboricultural impact assessment and method statement, has been provided by the appellant to demonstrate how the existing tree may or may not be impacted by the proposed development. Moreover, no information has been provided to demonstrate how the existing tree would be protected during the construction of the proposed dropped kerb.
8. In the absence of any technical details, I am unable to assess the extent to which the proposal would impact upon the health and longevity of the existing tree situated to the front of the appeal site. Therefore, I am unable to conclude that the proposal would have an acceptable effect on existing trees. Consequently, I cannot conclude that the proposal would accord with Policy DM28 of the LP.

Highway and pedestrian safety

9. Owing to the limited depth of the proposed driveway, the Council explain that vehicles would be unable to turn around within the site. This has not been disputed by the appellant. Consequently, vehicles parked facing the appeal property would need to egress from the site in reverse gear. Such a manoeuvre would require the driver to reverse over the pavement and into the path of on-coming traffic.
10. On my site visit, I observed that Davidson Road was busy with a high number of traffic movements in either direction. In addition, the pavement was well used by pedestrians. Whilst my visit is a snapshot in time, there is no substantive evidence before me to indicate what I experienced was untypical.
11. Despite the limited number of vehicle movements likely to be associated with one dwelling, given the heavily trafficked nature of Davidson Road, I consider that vehicles reversing out on to the highway, even at a slow speed, would unacceptably impede the free flow of traffic, which would be prejudicial to highway safety.
12. The proposed site plan shows visibility splays either side of the parking space. However, these splays would only be functional if a single vehicle was parked centrally on the driveway. The Council explain that the width of the proposed crossover could result in two cars being parked on the driveway. This has not been disputed by the appellant. If this were the case, and given the close proximity of the existing street tree and the potential proximity of parked vehicles on Davidson Road, I am not satisfied that drivers exiting the site in a reverse gear would have clear and unobstructed views of pedestrians, especially small children and pushchair and wheelchair users, who could be using the pavement. Therefore, the proposal would be prejudicial to pedestrian safety.
13. The proposed development would result in the loss of an existing on-street parking bay, which is located to the front of the appeal site. The Council argue that parking stress on Davidson Road is high and the loss of the parking bay would exacerbate on-street parking issues for local residents. This is disputed by the appellant who contends that the local area does not experience parking

congestion. Even if I were to accept the appellant's position, this would be a matter of neutral consequence, which would not overcome or outweigh the harm I have identified above in respect of highway and pedestrian safety.

14. The appellant points out that the neighbouring properties at Nos 601, 603, 605 and 609 Davidson Road feature frontage parking. However, the evidence provided by the appellant suggests that these developments predate the development plan and the National Planning Policy Framework (the 'Framework'). Consequently, such development does not provide a compelling precedent for allowing the appeal.
15. The appellant states that accident records for the locality do not show any incidents related to the movement of vehicles to and from existing crossovers on Davidson Road. Whilst this may be the case, I must consider the appeal proposal on its own individual planning merits and the lack of recorded accidents in the locality does not justify the harm I have identified.
16. The Council argue that if two vehicles were to park on the driveway, there would not be sufficient clearance in front of the entrance door to the host dwelling. Given my conclusion on this main issue, this is not a determinative point on which this appeal turns. Therefore, this is not a matter which I need to address.
17. For the collective reasons outlined above, I conclude that the proposal would be prejudicial to highway and pedestrian safety. As such, the proposal would not accord with Policy DM29 of the LP which requires new development to avoid detrimental impacts on highway safety for pedestrians, cyclists, public transport users and private vehicles.
18. Moreover, the proposal would not accord with Policy 6.3 of the London Plan (2016) which states that development should not adversely affect safety on the transport network.
19. In respect of this main issue, the second reason for refusal on the Council's decision notice refers to Policy SP8 of the LP. However, this policy relates to the Council's spatial strategy for the delivery of a transport and communication network capable of supporting growth over the plan period, such as new transport schemes. Given the minor nature of the proposed development, I consider that the policy is not applicable in respect of the appeal proposal.
20. Given the above, the proposal would be inconsistent with Paragraph 110(c) of the Framework, which states that developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Conclusion

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR