



Appeal Decision

Site visit made on 15 January 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2021

Appeal Ref: APP/L5240/D/20/3263167
83 Tollers Lane, Coulsdon CR5 1BG

- 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 T Pop against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/04071/HSE, dated 4 September 2020, was refused by notice dated 30 October 2020.
 - The development proposed is erection of replacement garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Interested third parties assert that the proposed garage would be used for commercial purposes. However, the applicant submitted a householder application for works relating to an existing dwelling. Indeed, the Council explain that the use of the building for commercial purposes would require planning permission. For the avoidance of doubt, I have determined this appeal on the basis that the replacement garage would be used for domestic purposes associated with the host dwelling.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the area; and
 - the effect of the development upon highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwellinghouse located on the corner of Tollers Lane and The Cross Ways. To the rear of the property there is an existing garage, which is served by a dropped kerb off The Cross Ways.
5. It is proposed to demolish the existing garage and erect a replacement garage. The proposed garage would have a pitched roof form with a ridge height of approximately 4.5m. The width of the garage would be about 6m.

6. Owing to its overall bulk, scale and mass, the proposed garage would appear as an incongruous and unduly prominent form of development when viewed from the street, which would cause significant harm to the character and appearance of the area.
7. Furthermore, despite the single storey form of the proposed garage, the footprint and scale of the proposed building would be significant, and, in this context, the proposal would fail to create a subservient relationship with the host dwelling.
8. I am cognisant that the proposed garage would be sited in a similar location to the existing outbuilding and that the existing and proposed buildings would have a similar depth. However, the proposed building would be significantly larger in terms of its height and width when compared to that of the existing garage. Consequently, the presence of the existing smaller garage at the appeal site does not provide a compelling precedent for allowing this appeal.
9. The appellant explains that the existing planting around the proposed garage would be retained, which he argues would screen views of the garage from the street. However, given that the proposed garage would be materially wider than the existing garage, it is unclear how the existing planting could be retained in situ. Moreover, no technical information, such as a landscaping plan, has been provided to demonstrate how this would be achieved at the site.
10. In conclusion, the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal would not accord with Policies SP4 and DM10 of the Croydon Local Plan 2018 (the 'LP') and Policies 7.4 and 7.6 of the London Plan (2016) which, amongst other things, require development to be of a high-quality design, which respects and enhances Croydon's varied local character.
11. Moreover, the proposal would be inconsistent with guidance contained at paragraph 4.28.3 of the Council's Suburban Design Guide Supplementary Planning Document which explains that outbuildings should be designed to "not be dominant in the street scene" and "be of a scale that is subservient to the main house".

Highway and pedestrian safety

12. The appellant explains that the proposed garage would be served by the existing dropped kerb off The Cross Ways. Indeed, no alterations to the existing vehicle crossover are shown on the submitted plans.
13. The submitted plans show that the opening of the proposed garage would not align with the existing vehicle crossover. Moreover, due to the width of the proposed driveway, the Council explain that there would be capacity for two vehicles to park off-street. This has not been disputed by the appellant. If this were the case, the vehicle parked closest to the host dwelling would not align with the existing vehicle crossover.
14. Consequently, owing to the above factors, the proposed development would likely result in vehicles crossing the pavement and raised kerb to gain access to and from the road. Such a manoeuvre would be prejudicial to highway safety because it would be unclear to other highway users where vehicles may be entering and exiting from the appeal site.

15. Moreover, if the driveway was used by two vehicles, due to the close proximity of the rear garden boundary of the host dwelling and the uncertainty of how this boundary would be defined, in addition to the omission of visibility splays on the proposed drawings, I am not satisfied that drivers exiting the site would have clear and unobstructed views of pedestrians, especially small children, who could be using the pavement. Therefore, the proposal would be prejudicial to pedestrian safety.
16. The Council contend that the widening of the existing crossover would result in an overly wide crossover, which would pose a safety risk for pedestrians using the pavement. Whilst this may or may not be the case, such a proposal is not before me. As such, this is not a determinative point in this case.
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 Policies DM29 and DM30 of the LP which requires new development to avoid detrimental impacts on highway safety for pedestrians, cyclists, public transport users and private vehicles, whilst also ensuring that movement is not impeded by the provision of car parking.
18. 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. Given the minor nature of the proposed development, Policy SP8 is not applicable in respect of the appeal proposal.
19. The appellant argues that the proposal would preserve highway and pedestrian safety. Even if I were to accept that this were the case, this would be a neutral factor in the overall planning balance, which would not overcome or outweigh the significant harm to the character and appearance of the area that would arise from the proposed development.

Conclusion

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

Christopher Miell

INSPECTOR