



Appeal Decision

Site visit made on 15 January 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2021

Appeal Ref: APP/L5240/D/20/3262369

93 Haydn Avenue, Purley CR8 4AJ

- 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 Dylan Laing against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02789/HSE, dated 14 June 2020, was refused by notice dated 29 September 2020.
 - The development proposed is described as "The Existing Front Garden is currently on a slope. The proposed works is to dig out the existing front garden and create levelled off road parking for 2 cars. This will involve digging out the front garden (approx 102 cubic meters) and building new retaining walls. The New driveway will have permeable bricks as a finish. A separate application will be made for the cross over."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The submitted plans¹ show that a new dropped kerb on to Haydn Avenue would be required to facilitate the proposed development. However, the appellant explains that such works would be the subject of a separate application to the Council. For the avoidance of doubt, I have dealt with the appeal on this basis.

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 two-storey semi-detached dwelling located on the eastern side of Haydn Avenue. It is proposed to excavate part of the existing sloping front garden to create a driveway to provide off-street parking for two vehicles. As part of the works, retaining walls would be constructed around the driveway.

¹ Drg no: AC20118-CIV-001 REV: P1

5. Haydn Avenue is a long residential street, which runs between Burcott Road to the north and Wontford Road and Colescroft Hill to the south. The topography of the street slopes downwards from east to west and the properties on the eastern side of Haydn Avenue typically occupy the higher ground.
6. Along the section of Haydn Avenue where the appeal site is located, the existing dwellings on the eastern side of the street, including the appeal property, are sited back from the highway behind long front gardens which rise upwards from the highway. The front gardens are predominately laid to lawn, or landscaped, with steps along the side boundary providing access to the host building. The consistent layout of the front gardens and their well landscaped appearance contributes positively and distinctively to the character and appearance of the area.
7. Despite the high quality paving proposed and the provision of landscaping to the rear and side of the driveway, the proposed development would be an incongruous and dominant feature when viewed from the street, which would be at odds with the aforementioned characteristics of development on the eastern side of Haydn Avenue.
8. Furthermore, the presence of the proposed driveway would be emphasised by the overall scale and height of the proposed retaining walls which would be necessary to facilitate the significant excavations proposed. Consequently, the proposal would have a stark and jarring appearance when viewed in the context of the surrounding development on the eastern side of Haydn Avenue.
9. The appellant explains that the majority of the properties located on Haydn Avenue feature frontage parking. On my site visit, I observed that most of the off-street parking is located to the front of the properties on the western side of the street, where the topography of the land slopes downwards away from the roadside. Whereas such an arrangement is uncommon for the properties on the eastern side of the road. Consequently, the prevalence of frontage parking on the western side of Haydn Avenue does not provide a compelling precedent for allowing the appeal.
10. In addition to the above, the appellant points out that there are several examples of off-street parking to the front of properties on the eastern side of Haydn Avenue. However, the off-street parking referred to by the appellant is typically provided by modest garages of a limited width, which have been dug into the hillside with landscaping retained above. As such, the examples referred to are materially different to the current proposal. Moreover, such development on the eastern side of Haydn Avenue is the exception rather than the norm within this long road.
11. For the reasons set out above, I conclude that 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 Policy 7.4 of the London Plan² which, amongst other things, require development, to be of a high-quality design and to respect and enhance local character. Moreover, the proposal would be inconsistent with guidance contained within the Council's Suburban Design Guide Supplementary Planning Document in relation to forecourt parking.

² The London Plan: The spatial development strategy for London consolidation with alterations since 2011 (2016)

Highway and pedestrian safety

12. Due to the layout and limited depth of the proposed driveway, vehicles would need to enter or exit the off-street parking spaces in reverse gear. The appellant argues that drivers exiting the site would have a clear view of the pavement and on-coming vehicles either side of the road. Whilst I recognise that drivers would be manoeuvring from an elevated position, the visibility splays shown on the submitted site plan includes neighbouring land, which is outside of the appellant's control. Consequently, unimpeded visibility splays cannot be secured in perpetuity.
13. Without appropriate visibility splays, drivers reversing out on to the highway would have limited visibility of on-coming vehicles and pedestrians, which would be prejudicial to highway and pedestrian safety. The visibility of on-coming vehicles would be further impeded if vehicles were parked on the street either side of the proposed crossover.
14. The proposed development would result in the loss of approximately two on-street parking spaces. The Council argue that parking stress on Haydn Avenue is very high and the loss of unrestricted on-street parking would result in harm to the transport network in terms of capacity and congestion. This is disputed by the appellant who argues that the proposal would ease congestion by providing a wider section of roadway, which would be unimpeded by parked cars, and thus it would allow for easier access of larger vehicles, including emergency vehicles, along Haydn Avenue. Even if I were to accept the appellant's position, such benefits would not overcome or outweigh the harm I have identified above in respect of highway and pedestrian safety.
15. The Council contend that the proposed development would result in an overly wide crossover, which would make it difficult for vulnerable pedestrians, such as the visually impaired, to negotiate the pavement safely. 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.
16. In conclusion, for the reasons given, 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 and Policy 6.3 of the London Plan which requires new development, including the provision of off-street car parking, to avoid detrimental impacts on highway safety for pedestrians, cyclists, public transport users and private vehicles.

Other Matters

17. I note that the adjoining neighbours support the proposal. However, this does not outweigh or alter my conclusions on the main issues.

Conclusion

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

Christopher Miell

INSPECTOR