
Appeal Decision

Site visit made on 24 November 2020

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021.

Appeal Ref: APP/P5870/W/20/3250625

94 Denmark Road, Carshalton, SM5 2JW

- 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 Miss Anikanin Naknakled against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2019/01763 dated 11 September 2019 was refused by notice dated 10 January 2020.
 - The development proposed is the formation of a new crossover and hard-standing driveway to the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a new crossover and hard-standing driveway to the front of the property at 94 Denmark Road, Carshalton, SM5 2JW in accordance with the terms of the application Ref DM2019/01763 dated 11 September 2019 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Site Layout Plan (1:100).

Procedural Matter

2. I have utilised the description of the development from the refusal notice as I consider this more succinctly describes the proposal.

Main Issue

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

Reasons

4. The appeal site consists of a broadly triangular area of land to the side of 94 Denmark Road. This area of land contains vegetation and planting typical of a garden and is enclosed by a low brick wall to the front. The site is on the northern side of Denmark Road, with the junction to Mill Lane situated to the east.
5. The proposal is for a vehicle crossover together with a hard-standing area to provide for off-road parking. Concern has been raised on the proximity of the crossover sought to the junction of Denmark Road with Mill Lane. Reference

has been made to the Council's 'Vehicle Crossover Policy and Application Pack' document, which states that a proposed vehicle crossover must not be within 10m from a road junction.

6. The Council have stated that the proposed crossover would be within 10m of the junction, but have not provided any further details. The Appellant has however illustrated that there would be a distance of 11.9m between the edge of the proposed crossover and the junction. From my site observations, I have no reason to doubt this measurement provided by the Appellant. I was also able to see a vehicle crossover on the opposite side of Denmark Road, much closer to the junction with Mill Lane and have not been provided with any evidence that its proximity is harmful to highway safety, including pedestrian safety in this location.
7. I therefore conclude that the proposal would not be unduly harmful to highway safety and it would not be contrary to Policy 37 of the Sutton Local Plan. There would also be no conflict with the National Planning Policy Framework at Paragraph 108 insofar as it requires safe and suitable access to be achieved for all users.

Conclusion

8. For the reasons given above and having regard to all other matters raised, including comments in support of the proposal, I conclude that this appeal should be allowed.

Conditions

9. In addition to a condition relating to the commencement of development, a condition requiring compliance with the approved plans is necessary for the avoidance of doubt.

F Rafiq

INSPECTOR