
Appeal Decisions

Site visit made on 15 June 2021

by C Coyne BA (Hons) DipTP DipERM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2021

Appeal A Ref: APP/N5660/W/20/3263684

First Floor Flat, 56 Martell Road, London SE21 8EE

- 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 Andrew Fowler against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 20/02744/FUL, dated 14 August 2020, was refused by notice dated 9 October 2020.
 - The development proposed is described on the application form as 'Application for vehicle crossing, or dropped kerb. Development would comprise lowering the kerb to allow a vehicle to move between Martell Road and the property at 56 Martell Road. In agreement with Ground Floor Flat for application'.
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Appeal B Ref: APP/N5660/W/21/3272889

First Floor Flat, 56 Martell Road, London SE21 8EE

- 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 Andrew Fowler against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/00603/FUL, dated 12 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is described on the application form as 'Application for vehicle crossing, or dropped kerb. Development would comprise lowering the kerb to allow a vehicle to move between Martell Road and the property at 56 Martell Road.....'.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural and Preliminary Matters

3. The Council have described the development for Appeal A as 'creation of a vehicular crossover and dropped kerb' and for Appeal B as 'creation of a vehicular crossover and dropped kerb (first floor flat)'. I note that the appellant has also utilised this description on their appeal form for Appeal B. I consider that the Council's revisions provide a more succinct and accurate description of the proposals than that on the application forms and I have therefore determined the appeals on this basis.
4. The description on the application form for Appeal B is also quite lengthy. Therefore, in the heading above, I have condensed the wording to that most pertinent to the main issues.

5. Since the determination of this application the London Plan 2021 (a Replacement Plan) has been published by the Mayor. This London Plan replaces all previous versions. No policies from the London Plan were cited within the refusal reasons for either Appeal A or Appeal B. Therefore, and given the nature of the refusal reasons, the main issues and the Development Plan policies upon which the refusal reasons are based, I consider that on this occasion the publication of the new London Plan does not directly change the assessment of these appeals.
6. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. As a result, and given the nature of the refusal reasons, the main issues and the Development Plan policies upon which the refusal reasons are based, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of either of these appeals.
7. In their evidence the Council refer to policy Q14 of the emerging draft Revised Lambeth Local Plan (eLP). However, this plan has yet to be examined and found sound and I therefore afford this policy limited weight.
8. The appellant has raised concerns regarding the Council's handling of the cases, and in particular with regard to perceived unfair treatment. This is a matter that would need to be taken up with the Council in the first instance and in determining these appeals I have only had regard to the planning merits of both cases.

Main Issues

9. The main issues in both appeals are:
 - whether the front garden/amenity area of no. 56 would be a suitable location for the proposed development; and
 - the effect of the proposed development on highway safety and the provision of on-street parking in the area.

Reasons

10. The proposals for both appeals relate to the garden/amenity area to the front of no. 56 Martell Road, a two-storey terraced building comprising separate ground and upper floor flats. The other properties on Martell Road comprise similar two storey terraced residences many of which appear to be single dwellings. A lot of these properties have gardens to their fronts while others have hardstanding instead. Some also have dropped kerbs and vehicular crossovers and therefore use the hardstanding to the front of their properties for off-street car parking.
11. The proposal for appeal A would replace the existing hardstanding patio slabs and the existing planting bed with gravel while retaining the brick paviour footpath to the front door. The existing front boundary fence would also be removed. A new dropped kerb and vehicular crossover is also proposed for the footpath to the front of no. 56. The proposed crossover would measure approximately 3.9 metres in width.
12. For appeal B, a similar development is proposed with the differences being: that the existing front boundary fence, hardstanding patio slabs, brick paviour path and planting bed would all be retained; and that the proposed vehicular crossover would be narrower, measuring approximately 2.9 metres in width, it would also be located more centrally.

Whether a suitable location

13. At this end of Martell Road several properties, such as nos. 45, 47, 48, 50 and 52 have hardstanding/parking areas to their respective fronts plus vehicular

crossovers and dropped kerbs on the corresponding footpath beyond these areas. While I note that no. 54 has a more traditional landscaped front garden and that other parts of Martell Road are predominately visually characterised by more verdant front garden spaces, this is not the prevalent characteristic of the part of the road to which the appeal property belongs. In addition, the front area to no. 56 is already predominately composed of hardstanding with only a single narrow plant bed to one side.

14. As a result, even though the existing plant bed would be removed by the proposed Appeal A scheme, I consider that it would not have an unacceptable adverse visual impact on the street scene. Similarly, as the proposal for Appeal B would retain the plant bed and for all intents and purposes leave the front area unchanged, I also consider that this scheme would not have an adverse visual impact on the street scene. Therefore, both proposals would comply with policy Q5 of the adopted Lambeth Local Plan (LP) in this regard.
15. That being said, while the proposal for Appeal A would have a more permeable gravel surfaced parking area, it would not retain any of the existing planting. Similarly, while the proposal for Appeal B would retain the existing plant-bed and front boundary treatment its proposed parking area surface would not be permeable. As a result, both proposals would conflict with policy Q14 of the LP while the proposed scheme for Appeal A would also conflict with policy Q15 of the LP.
16. I therefore conclude for Appeal A and Appeal B that the front garden/amenity area of no. 56 would not be a suitable location for the proposed development. Accordingly, both proposals would fail to meet the requirements of policies Q9 and Q14 of the LP with the proposal for Appeal A also failing to meet the requirements of policy Q15 of the LP.

Highway Safety & provision of on-street parking

17. For Appeal A the Council's second reason for refusal refers to a lack of appropriate visibility splay drawings to demonstrate whether vehicles would be able to safely enter and exit the site. However, the proposal would be like other comparable parking areas and vehicular crossovers nearby and I have no substantive evidence before me to show that these have caused any traffic accidents or had an adverse impact on highway safety in the area. Furthermore, given this high prevalence of vehicular crossovers on this section of Martell Road (and its 20 mile per hour speed limit), it would also be reasonable to think that vehicles using the crossover would not be doing so at high speed.
18. I also note that for Appeal B the Council did not raise any such concern with the officer report stating that the second reason for refusal of application ref. 20/02744/FUL had been overcome. This is also evidenced for both appeals by the stage 1 vehicle crossover approval letter from the Highway Authority submitted by the appellant which confirms that neither proposal would adversely impact on highway safety in their view. From the evidence before me I see no reason to disagree. Accordingly, I find that neither proposal would be likely to have an adverse impact on highway safety and would therefore comply with policies T7 and Q2 in this regard.
19. No. 56 comprises two residential properties and is located within a Controlled Parking Zone (CPZ). This means that the on-street parking space to the front of no. 56 and to the front of other similar properties without off-street parking meet the needs of all these residents. Consequently, even though no. 56 generates a potential need for two on-street spaces, the loss of the on-street parking space

directly to the front of the property would reduce the number of on-street parking spaces on Martell Road overall. Furthermore, given the location and width of the proposed crossover for Appeal A, it would be likely that part of an adjacent on-street space would also potentially be lost. As a result, and in the absence of any substantive evidence to the contrary, such as a parking survey, I find that it would be likely that both proposals would lead to a loss of on-street parking on Martell Road thereby having an adverse impact in relation to parking stress in the area.

20. I note the appellant's point that as the appeal property is two residences that the proposals would reduce the demand for on-street car parking in front of it. However, while the proposed off-street parking would meet the demand of one resident, it would not meet the demand of the other. It would also reduce the overall number of spaces available to residents without off-street parking.
21. I also note that several properties at this end of Martell Road have off-street parking areas, dropped kerbs and vehicular crossovers to the front. However, according to the Council's evidence many of these were installed prior to the adoption of the current Development Plan. As a result, I consider that the circumstances applicable to those developments are not the same as those presented in the appeal schemes before me. In any event I have determined these schemes on their own merits.
22. Even though I have found no harm to highway safety, I have nonetheless found that the proposal would have an adverse impact in relation to the loss of on-street parking and a potential increase of parking stress on Martell Road. I therefore conclude that the proposals for both Appeal A and Appeal B would cause material harm in this regard. They would therefore fail to meet the requirements of policy T6 of the LP.

Other Matters

23. While I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused by both proposals being contrary to the Development Plan.
24. I also note that the occupier of the ground floor flat at no. 56 supports the Appeal B proposal. However, this does not outweigh or overcome the harm I have identified above.

Planning Balance and Conclusion

25. The partial compliance of the proposals with policies Q2, Q5 and T7 of the LP, and the personal circumstances of the appellant are not of sufficient weight to outweigh the harm caused by the conflicts with the Development Plan I have identified above. As a result, the proposed developments would be contrary to the adopted Development Plan as a whole and there are no material considerations indicating decisions otherwise than in accordance with it. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

C Coyne INSPECTOR

¹ Paragraph: 008 Reference ID: 21b-008-20140306