The Planning Inspectorate

Appeal Decision

Site visit made on 12 August 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021

Appeal Ref: APP/Z5630/D/21/3274781
80 Southwood Drive, Tolworth KT5 9PL

- 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 Ms Patricia Pearce against the decision of the Council of The Royal Borough of Kingston upon Thames.
- The application Ref 20/02890/HOU, dated 16 November 2020, was refused by notice dated 22 January 2021.
- The development proposed is the formation of a dropped kerb and driveway.

Decision

1. The appeal is allowed and planning permission is granted for the formation of a dropped kerb and driveway at 80 Southwood Drive, Tolworth KT5 9PL in accordance with the terms of the application Ref 20/02890/HOU, dated 16 November 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs N0/1, N/01A, N/02 and N/03.

Procedural matters

2. The description of development given in the above heading and in my decision is taken from the decision notice issued by the Council. It more accurately and succinctly reflects the development sought compared to the description provided on the application form.

3. Although the address of the site is stated as 80 Southwood Drive, I note that the boundary also includes a building that is denoted 80A Southwood Drive.

Main issue

4. The main issue is the effect of the proposed development on highway safety for users of Southwood Drive.

Reasons

5. A new vehicular crossover is proposed along part of the site's highway frontage to Southwood Drive that would result in motorists either turning into or out of the site close to the junction with Elmdene. For brevity, I shall refer hereafter to this as 'the junction'.

6. According to the Council, the proposal would conflict with its Vehicle Crossover Policy (VCP) because it says that the new crossover would be within 10-metres of a road junction and so fall within a restricted zone. Within such areas, the VCP states that a vehicle crossover will not be permitted. However, the appellant considers that the proposal would more than 10-metres away from this junction and thus beyond the restricted zone. From my inspection of the plans and from what I saw 'on the ground', I share the appellant's opinion.

7. The Council is concerned that road safety could be compromised by the proximity of the proposal to the junction due to the potential for conflicting traffic movements. However, in this case, the number of vehicle movements using the new crossover would be relatively modest as it would provide access to just one off road parking space and a small storage area. I doubt that other drivers and pedestrians might misinterpret such manoeuvres with those associated with the junction given the separation distance with the proposal. From what I saw, vehicles turning into and out of residential accesses are a common feature along both Southwood Drive and Elmdene and the visibility of oncoming road users at the new crossover would be reasonable in both directions. Against that background, I am unable to share the Council's concerns that the proposal could add to highway danger. No other objections are raised.

8. On the main issue, I, therefore, conclude that the proposal would not pose an unacceptable risk to highway safety for users of Southwood Drive. As such, it does not conflict with Policies DM9 and DM10 of the Council's Core Strategy. These policies state that new development will be expected to have regard to local traffic conditions and that it should not compromise highway safety.

9. For the same reasons, there would be no conflict with the recently updated revised National Planning Policy Framework (2021) (the Framework). Like its predecessor to which the Council refers, the Framework states that proposals development should provide safe and suitable access for all users.

10. The appellant states that a rolling gate will conceal the new driveway when it is not in use although few details of that feature have been provided. For the avoidance of doubt, my decision relates to the development as it is shown on the submitted plans and for which planning permission is sought.

Conditions

11. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR