
Appeal Decision

Site visit made on 26 October 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2021.

Appeal Ref: APP/Z5630/D/21/3277356

47 Park Road, Kingston Upon Thames KT2 6DB

- 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 Charlotte Constantine-Beckford against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref 20/03201/HOU, dated 10 December 2020, was refused by notice dated 10 May 2021.
 - The development proposed is 'to create a vehicle crossover. The kerb will need to be dropped and 2 bollards removed'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was issued in July 2021. However, while the paragraph that the Council relies upon to support its reason for refusal is from the previous version of the Framework, the wording is unchanged in the current version¹.

Main Issue

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

Reasons

4. Park Road is a busy road with mainly residential properties, but also some commercial uses located along it. As a two-storey mid-terrace dwelling, No 47 reflects the predominant dwelling type in this part of the road.
5. The appeal property has an open frontage with hardstanding and with concrete bollards currently in front of the opening to prevent its use for parking. I note that similar-sized garden areas are used for parking by occupiers of a number of neighbouring properties along this stretch of Park Road, notably Nos 31 to 39 and Nos 53A and 55. Most of these gain access via a vehicle crossover of the type sought in this case.

¹ Paragraph 109 referred to by the Council is now paragraph 111.

6. However, No 47 is located close to the junction of Park Road with Elton Road and there is a bus stop on the opposite side of Park Road. Moreover, there are several on-street parking spaces close to the location of the proposed crossover. As I observed during the inspection, there is a relatively high volume of traffic using Park Road, with vehicles turning out of Elton Road, buses stopping close to the appeal property and vehicles parked in the nearby on-street spaces. As such, these circumstances present the potential for limiting visibility and for conflict between vehicles using Park Road and a vehicle reversing into or out of the off-street space. Despite the likely limited number of vehicle movements to and from the appeal property, these findings mean that there would be material harm to highway safety arising from the proposal.
7. While I acknowledge that a number of other vehicle crossovers exist nearby, it is unclear on what basis these were created. Due to the particular circumstances of No 47's position in relation to the various features described, I have found that provision of a crossover would harmfully compromise highway safety and, therefore, the existence of other crossovers is not a sufficient reason to overcome this. The appellant draws attention to the fact that there are no records of accidents occurring in relation to use of other crossovers. However, for the reasons given, the appeal proposal presents the likelihood of conflicts with other road users occurring.
8. I have had full regard to the appellant's personal circumstances and acknowledge that being able to park on the property's forecourt is likely to provide easier access to No 47 with a number of resultant benefits. I note also the particular difficulties that have been experienced by parking on the street and that providing parking close to the property would make charging an electric vehicle easier. While I give these matters some weight they cannot overcome the harm with regard to highway safety that would result from the proposed use of the parking area.
9. Therefore, for all the above reasons, I conclude that the proposed crossover would have an unacceptably harmful effect on highway safety. As such, it is contrary to Policy DM10 of the Council's Core Strategy (2012), which expects development proposals to have regard to local traffic conditions and highway safety and ensure they are not adversely affected. It is also contrary to the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety². I agree with the appellant that the criteria included in Policy DM9 of the Core Strategy, referred to by the Council, are not directly relevant to the appeal proposal.

Conclusion

10. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

² Paragraph 111.