



Appeal Decision

Site visit made on 10 November 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 09 DECEMBER 2021

Appeal Ref: APP/L5240/W/21/3273288

369A Bensham Lane, Thornton Heath CR7 7ER

- 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 Stel Zanettos against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00329/FUL, dated 24 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is described in the application form as dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on (i) highway safety and (ii) amenity.

Reasons

Highway safety

3. Bensham Lane is a busy residential road with a number of commercial uses interspersed along it. The appeal property has an open frontage with hardstanding, there are other properties along the road with similar sized gardens which are used for parking a vehicle.
4. The appeal site is within a close distance of junctions with Brigstock Road and Lucerne Road, and is near to a bus stop. Furthermore, the road along the front of the appeal site is allocated for on-street parking and appears to be used intensively, with vehicles parked straddling the pavement and highway. There is a high volume of traffic using Bensham Lane, with vehicles turning out of Lucerne Road and Brigstock 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 Bensham Lane and a vehicle reversing into or out of the off-street space.
5. It would not be possible to access and exit the vehicle in forward gear, and due to the nature of vehicles parked to either side the visibility of the driver would be obscured. The pavement is utilised by pedestrians generally and by those accessing their vehicles that are parked within the on-street parking to the

front of the site. Having regard to the limited visibility of a driver accessing or exiting the site I consider that the use of the crossover would result in conflict with pedestrians.

6. At the time of my visit, which was at lunchtime on a weekday, the on-street parking in the vicinity of the site was very busy. The on-street parking is marked as one continuous bay, individual spaces are not set out. The evidence does not confirm how many on-street parking spaces would be removed in order to accommodate the crossover to provide the off-street parking space. Accordingly, on the basis of the evidence submitted I cannot be satisfied that the proposal would not lead to a material decrease in the number of on-street parking spaces. Should this be the case the proposal would lead to an increase in demand for on-street parking. Having regard to the busy nature of the area I consider that this would be likely to result in harm to highway safety.
7. I find that there would be material harm to highway safety and the safety of pedestrians as a result of the proposal. It would conflict with Policies SP8.6, DM29 and DM30 of the Croydon Local Plan (2018) and the Suburban Design Guide (2019) which collectively seek to ensure that development does not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles.
8. While I acknowledge that a number of other vehicle crossovers exist nearby, it is unclear on what basis these were created. Having assessed the particular circumstances of No 369's position in relation to the various features described, I have found that provision of a crossover would harmfully compromise highway safety. The existence of other crossovers is not a sufficient reason to overcome this.

Effect on amenity

9. There is a tree to the front of the site, in line approximately with the side boundary. Due to the urban location of the site the presence of a mature, well established tree is a pleasant addition and the tree actively contributes to the amenity of the area. Physical access to the site could be provided without the need for a dropped kerb as the kerb along this section of Bensham Lane drops to meet the highway. Accordingly, it would not be necessary to carry out works close to the tree that may have resulted in damage to it.
10. I find that the proposal would not result in harm to the amenity of the nearby tree and would accord with Policy DM28 of the Croydon Local Plan (2018) which prohibits development that would result in the loss of trees that make a character to the area.

Other matters

11. Providing parking close to the property would make charging an electric vehicle easier. However, this does not overcome the harm with regard to highway safety and amenity that would result from the proposed use of the parking area.

Conclusion

12. Whilst I have found that the proposal would not result in harm to the nearby tree, it would result in material harm to highway safety. Accordingly, it would

conflict with the development plan when taken as a whole and for the reasons above I conclude that the appeal is dismissed.

J Ayres

INSPECTOR