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## Appeal Decision

Site visit made on 15 June 2022

**by K Winnard LL.B (Hons)**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>TH</sup> June 2022**

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**Appeal Ref: APP/L5240/D/22/3292055**  
**59 Stoats Nest Road Coulsdon CR5 2JJ**

- 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 Peter Smith against the decision of the Council of the London Borough of Croydon.
  - The application Ref 21/03314/HSE, dated 18 June 2021, was refused by notice dated 16 November 2021.
  - The development proposed is a new driveway with vehicle crossover.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are the effect of the proposed development on (i) highway safety and (ii) the character and appearance of the area.

### Reasons

#### *Highway Safety*

3. The appeal property, No 59 Stoats Nest Road (No 59) is a semi-detached dwelling located on the east side of Stoats Nest Road. Stoats Nest Road is a classified road which is also a bus route and climbs in a southerly direction. Two bus stops are located in close proximity to the proposed driveway and crossover, one of which is opposite to No 59. The majority of the dwellings on the eastern side of Stoats Nest Road do not have vehicular accesses and there were several cars parked on this side of the road at the time of my visit. Traffic was busy and moving quickly particularly when travelling down the hill in a northerly direction.
4. The proposed new driveway and vehicle crossover would provide access from the highway to a new permeable hardstanding across the whole of the appeal site frontage for off street vehicle parking. A vehicle parked in the position shown on the submitted plan would not overhang the highway and would not prevent pedestrians from using the footway. These are benefits in favour of the proposal. However, this area is limited in size and the Council's concerns relate to the size of the area restricting the opportunity for vehicles to turn around within the site and leave in a forward gear.

5. Recommendations within the Croydon Council Vehicular Crossover guidance (Crossovers Guidance) are for a minimum front garden turning area of 8.0 x 10m to enable turning on site. This is not met in this instance. I acknowledge that the Crossover Guidance is not prescriptive and that in this instance dimensions given are not requirements. Nonetheless, I consider that the document provides useful guidance on the preferred size of front garden parking spaces for the formation of turning areas. In this instance drivers using the proposed driveway and crossover would have to reverse into the road when leaving the site. Visibility requirements would be met and the vehicle movements associated with one dwelling would be limited. However those manoeuvres would be likely to be close to parked vehicles given in general unrestricted parking and the lack of vehicular accesses on this side of Stoats Nest Road. Views of approaching road users of a vehicle reversing from the site would be likely to be obscured by parked cars. This obstructed visibility, together with the need for reversing manoeuvres, albeit slowly, would be hazardous to users of the highway. The impact of this would be exacerbated given the vehicular crossover would be opposite the bus stop and the likely speed of vehicles, in particular travelling down Stoats Nest Road. In addition, such manoeuvres would also be likely to restrict the free flow of traffic along Stoats Nest Road which would further be to the detriment of highway safety.
6. The appellant has indicated that in their view they would be able to achieve manoeuvrability within the site to be able to exit in a forward gear. Given the site limitations and positioning of the driveway/crossing in the centre of the site, I do not share this view. Nor are there any technical diagrams before me to indicate that this would be possible. My attention has also been drawn to the other vehicular accesses of neighbouring properties. I have some sympathy with the appellant given that other dwellings have vehicular accesses. However, I do not know the circumstances of how these came to be approved, or indeed whether they benefit from planning permission. I noted that these vehicular accesses differ from that proposed in the appeal before me, in that they are either wider or derived in part off a small access road to the side of the property. As such they do not represent direct parallels with the scheme before me. In any event each case must be determined on its own merits and the individual circumstances involved.
7. In reaching my decision, I have had regard to the reference that Stoats Nest Road is not a strategic route, and the lack of accident records for incidents involving vehicles movements from existing vehicular accesses. I recognise too that there is no policy presumption against proposals which do not provide turning. However, given the busy nature of the road and the harm I have identified these factors do not affect my overall decision.
8. As such I therefore conclude on this issue that the proposal would have an detrimental impact on highway safety. Of the policies referred to by the Council in the decision notice I consider Policy DM29 of the Croydon Plan 2018 (Local Plan) and Policy T4 of the London Plan 2021 to be the most relevant. Together these require development not to have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles, and should not increase road danger.

### *Character and Appearance*

9. In this location the streetscene is varied featuring hard and soft landscaping, vehicle driveways, crossovers and vehicle parking. However in contrast to the properties on the western side of Stoats Nest Road, the majority of the properties on the eastern side have an established character of soft landscaping and low level boundary treatment in front of their properties. This is the case with No 59 which has mixed soft and hard landscaping in the front garden presently contained by a low rendered wall and which contributes to the wider street scene. Overall, the soft landscaping reduces the impact of the otherwise hard landscaping seen elsewhere in the streetscene. The introduction of a further area of hard landscaping together with the creation of a new access to the road, would have a noticeable impact in the streetscene to the detriment of the visual amenity of the area.
10. I accept that the appeal proposal would not represent a stand alone feature. However the fact that there are other developments elsewhere does not justify development which would otherwise be unacceptable. I note the suggestion that a soft landscaping scheme could be achieved within the site area and this could be secured by condition. However the extent of the landscaping which could be achieved would in my view be of minimal impact in the wider streetscene. Such a condition would not therefore make the development acceptable.
11. I therefore conclude on this issue that the proposal would have an adverse impact on the visual amenity of the street scene. Accordingly it would conflict with in particular Policy SP4.1 of the Local Plan which requires development to be of a high quality and to respect and enhance local character and the townscape. It would also not be in an accordance with the Croydon Suburban Design Guide Supplementary Planning Document which seeks to avoid forecourts completely covered in hardstanding.

### **Other Matters**

12. The creation of an off street parking space would enable an electric charging point to be provided in the future and would make access to a parked vehicle easier for the occupiers of No 59. I also recognise the benefits in reducing on street parking pressure. These are factors, which together with those noted above, weigh in support of the proposal by promoting public safety and sustainability. However they do not outweigh the significant harm I have set out above.
13. I have also had regard to the personal circumstances of the appellant as outlined in the appeal statement. However I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest and that personal circumstances seldom outweigh such considerations.

### **Conclusion**

14. For the reasons given and having regard to all other matters raised, I hereby dismiss the appeal.

*K Winnard*

INSPECTOR