



Appeal Decision

Site visit made on 10 October 2022

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/L5240/W/22/3299759

Land adjacent to 33 Sandfield Road, Croydon CR7 8AW

- 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 Byron Tabula of Thames Title Ltd against the decision of the London Borough of Croydon.
 - The application Ref 22/00206/FUL, dated 19 January 2022, was refused by notice dated 15 March 2022.
 - The development proposed is erection of a new three storey house attached to 33 Sandfield Road, with an off street car parking space and other site alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new three storey house attached to 33 Sandfield Road, with an off street car parking space and other site alterations at land adjacent to 33 Sandfield Road, Croydon, CR7 8AW in accordance with the terms of the application, Ref 22/00206/FUL, dated 19 January 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have used a different description in the formal decision to that in the application form; and this reflects the appeal form and the Council's decision notice. This has been agreed by both main parties.

Main Issue

3. The main issue is the effect of the proposal upon highway safety.

Reasons

4. The appeal site is located within a residential area that includes terraces, flats and detached properties with on and off-street parking. Pillars, walls and fences that define housing plots are seen fronting or running adjacent to the highway, at varying heights. The prevailing characteristic of this area is that frontages tend to include either a modest garden space or off-street parking.
5. Although the proposed block plan shows a vehicle parked at a slight angle to the proposed property, the space would nevertheless be large enough to provide off-street parking. The proposed dwelling would be set back a similar distance from the highway to that of an adjacent property, which at the time of my visit was accommodating a vehicle, without encroaching onto the pavement. It would allow for a vehicle to be reversed into that space or driven in or out, even if this were at a slight angle, and there is no clear evidence to suggest otherwise.

6. A low-level boundary fence would run from the proposed property to the pavement and bin store. This would not be at a height that would restrict the visibility of drivers of vehicles emerging onto the highway. Consequently, pedestrians and other road users would be able to see emerging vehicles and vice versa. At the time of my site visit, the street was relatively quiet with intermittent pedestrian movements and low vehicular speeds. Although my observations only represent a snapshot in time, recognising certain times in the day may well be busier, there is no submitted evidence to suggest these characteristics are not typical of this area.
7. The possibility of vehicles manoeuvring on and off the highway would not be restricted by the proposed parking layout, and these movements would be anticipated by all road users, including pedestrians; particularly given that there are other similar parking arrangements in the area.
8. The Council suggests in its reason for refusal that the proposal would conflict with Policies T5 and T6 of the London Plan (2021) (LP). Given my conclusions above, there would be no conflict with Policy T6 of the LP as potential on street parking pressures would be mitigated by the introduction of a parking space. The proposed plans indicate that cycle storage facilities would be provided and therefore there would be no conflict with Policy T5 of the LP.
9. For the above reasons, the proposal would not adversely affect highway safety. As such, there would be no conflict with Policies DM29 and DM30 of the Croydon Local Plan (2018) which, amongst other things promote highway safety.

Conditions

10. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and omitted others.
11. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord.
12. Details of the cycle and bin storage are included within the proposed drawings. I have therefore amended the Council's condition to ensure compliance with these plans prior to the commencement of the first occupation. This is necessary to ensure alternative transport modes are encouraged, and to ensure an appropriate effect on the character and appearance of the area.
13. A Construction Logistics Plan (CLP) condition is imposed in the interests of the living conditions of existing occupiers, highway safety and to prevent adverse impacts on the road network. This would need to be a pre-commencement condition as the details in the CLP would be required for the duration of the works.
14. The drawings submitted with the application do specify external facing materials, although it is reasonable to seek samples in this instance. These details can be provided prior to the commencement of above ground works, as it is not fundamental that they must be provided ahead of any development commencing. The condition would be necessary to preserve the character and appearance of the area.

15. No compelling evidence has been provided to justify the removal of permitted development rights relating to the enlargement of the dwelling or erection of outbuildings within its curtilage.
16. Details of hard and soft landscaping including boundary treatment are required in the interests of the character and appearance of the area.
17. No substantive evidence has been submitted to justify the suggested water efficiency and carbon emission measures or SUDs drainage condition.
18. I am attaching a condition to ensure the proposed parking area is provided and kept available, which is necessary in terms of highway safety.

Conclusion

19. For the reasons given I conclude that the appeal should succeed.

J Hills

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of the permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: General PR01; General PR02; General PR03; General PR04; General PR05; General PR06; General EX01.
- 3) Prior to first occupation of the new dwelling, the bin and cycle storage facilities shown on plans General PR01 and General PR05 shall be installed and retained for the lifetime of the development.
- 4) Prior to the commencement of development (including demolition) a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. The CLP shall include the following information for all construction phases of the development:
 - a) Hours of construction;
 - b) Hours of deliveries;
 - c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - d) Facilities for the loading and unloading of plant and materials;
 - e) Details of the storage facilities for any plant and materials;
 - f) The siting of any site huts and other temporary structures, including site hoardings;
 - g) Details of the proposed security arrangements for the site;
 - h) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
 - i) Details outlining the proposed range of dust control methods and noise mitigation measures;
 - j) Details demonstrating compliance with the non-road mobile machinery (NRMM) regulations 2015;
 - k) Details confirming that all delivery vehicles are registered under

the Freight Operators Recognition Scheme (FORS) achieving a minimum of silver status.

- l) Details of noise levels of all plant to be used on site and appropriate mitigation measures.

All construction phases of the development shall be carried out strictly in accordance with the details so approved.

- 5) Prior to the commencement of above ground works, samples of facing materials shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 6) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the local planning authority:
- a) Hard landscaping materials (including samples as appropriate);
 - b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees;
 - c) Boundary treatments;
 - d) A maintenance/management plan for all aspects of the hard and soft landscaping.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development and maintained for the lifetime of the development (with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development and maintained for a period of five years from the date of planting). Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. PR01 for cars to be parked, and that space shall thereafter be kept available at all times for those purposes.