

Appeal Decision

Site visit made on 17 April 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/Z5630//D/23/3317321
255 Malden Road, New Malden KT3 6AG

- 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 Sivagananan Kajaruban against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application, Ref. 22/02941/HOU, dated 13 September 2022 was refused by notice dated 31 January 2023.
 - The development proposed is a vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed vehicular access on highway safety.

Reasons

3. I saw on my visit that No. 255 Malden Road is one of a terrace of four dwellings on the west side of Malden Road close to the junction with Amberwood Rise. The appeal scheme includes a dropped kerb to facilitate on-site parking at No. 255 and this is shown on submitted Drawing No. 06 'Proposed Kerb Plan' as having a width of 5.5m.
 4. This drawing also shows that to all intents and purposes this is also the width of the front garden where the parking would take place. This would be insufficient for a vehicle to turn on the site and therefore the use of the proposed parking area would inevitably result in the comings and goings involving reversing either into or out of the front garden.
 5. No. 255 is separated from a light controlled pedestrian crossing to the north by only one house, as it is from the exit arm of Amberwood Rise to the south. Both factors add to the potential hazard over and above the reasons for the Highway Authority's standard objection in its Vehicle Crossover policy for new accesses.
 6. The dropped kerb's position on pedestrian crossing markings would mean that a vehicle reversing into or out of No. 255 would distract and obstruct drivers of passing vehicles from pedestrians on the crossing or preparing to cross it. The proximity to Amberwood Rise would also mean that vehicle drivers emerging from that road (and therefore concentrating on the traffic approaching from the south before accelerating to join Malden Road) would also encounter distraction
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and obstruction from use of the proposed access. In both cases I consider that there would be a harmful effect on highway safety and the free flow of traffic.

7. I acknowledge that there are other vehicular accesses adjacent and/or close-by on this side of the road. However, I have not been advised whether or not these are authorised and for how long they have been established. And in some cases they are to houses with sufficient turning space to enable vehicles to exit in a forward gear. Moreover, few if any have the same potential hazards as No. 255, given its position with equal distance from both a pedestrian crossing and a side road junction.
8. I recognise that the absence of an on-site parking space is a significant inconvenience for the appellant and sympathise with this, but the absence of a crossover would have been apparent before taking occupation of the property.
9. On balance therefore and having had regard to all other matters raised, I conclude that the proposal would have an unacceptable effect on highway safety. This would conflict with paragraph I of Policy DM10 in Kingston's LDF Core Strategy 2012 and with paragraph 111 of the National Planning Policy Framework 2021. The Notice of Refusal also refers to the former's Policy DM8, but as the grounds of appeal point out, this is only of very limited relevance.
10. For the reasons explained above, I dismiss the appeal.

Martin Andrews

INSPECTOR