



Appeal Decision

Site visit made on 17 May 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2023

Appeal Ref: APP/L5240/D/23/3315719

4 Norbury Crescent, Norbury, Croydon, London, SW16 4JU

- 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 Nicholas Almeida against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/04132/HSE, dated 3 October 2022, was refused by notice dated 18 November 2022.
 - The development proposed is a vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a mid-terrace two storey house that is set back from the street and footway, behind a hardstanding area with no front boundary wall. It is located directly opposite a bus stop. Norbury Crescent is a classified road and at the time of my site visit, was busy with both pedestrian and vehicular traffic.
4. The proposal is for the construction of a vehicle crossover to the footway on the highway adjacent to the appeal property, which would enable access for a potential car parking space in the frontage of the property. The plans before me confirm that the potential parking space would be parallel with the highway, with a width of 4.8m and a depth of 2.5m length within the frontage. The vehicular access itself would be 3.5m wide and offset from the position of the parking space, such that any vehicle would need to carry out a turning manoeuvre to leave and enter the proposed parking space.
5. As the potential parking area is located parallel to the highway, this presents a risk of a vehicle moving into or out of the potential parking space colliding with the boundary wall, front wall or other parked vehicles on the highway. There is also a significant danger to pedestrians if caught between a manoeuvring car and other objects. Additionally, due to the narrow depth of the frontage at 2.5m and the limited space available to manoeuvre, it is likely that any parked vehicle would overhang the footway, which would conflict with its use by pedestrians. This obstruction creates the risk that any vehicle using the potential parking area would result in conditions prejudicial to highway safety.

6. The proposed development would also reduce the availability of on-street parking for other residents and visitors, including the loss of a disabled parking bay to the front of the site. At the time of my visit, the existing level of on-street parking in the vicinity of the site suggests that parking stress is high, notwithstanding the PTAL rating of 4. As such, the further loss of parking as a result of this crossover would only worsen this need. There is nothing in the material provided to me which would demonstrate that this adverse impact would be adequately mitigated by the proposed development. While the development of 2A Norbury Crescent, may result the raising of the existing drop kerb outside the property, it would also result in a net loss of parking spaces due to the removal of vehicles from the frontage. As such, it does not mitigate the loss of the parking space immediately in front of the appeal site.
7. The Council's Vehicle Crossover Guidelines 2021 (VCG), sets out that on classified roads, vehicle crossovers will only be approved if it can be demonstrated that vehicles can enter and leave the site in forward gear. The proposed development would not enable vehicles to leave the appeal site in forward gear, thus it would necessitate leaving in reverse onto a busy road thereby creating a road safety hazard. The hazard risk would be increased due to the location of the bus stop opposite the proposed development, as a vehicle entering or exiting the appeal site would likely interfere with buses at the stop. Accordingly, any vehicle using the potential parking area would likely lead to a detrimental impact on highway safety.
8. I have considered the visibility splay block plan and the pedestrian sightlines guidance set out in the VCG, specifically in relation to the 20mph speed limit on Norbury Crescent. However, notwithstanding the relatively slow speed of traffic and the removal of a space outside the appeal site, the prevalence of parked vehicles around the appeal site would result in impeded sightlines for pedestrians and vehicles. Together with the need for vehicles to leave in reverse and the busy amount of traffic, this would significantly reduce the likelihood of safe entry and exit.
9. The appellant has drawn my attention to other similar parking spaces and dropped kerb crossovers at other nearby properties, specifically those which are directly opposite the appeal site adjacent to the bus stop and at No 229 Norbury Crescent. However, these properties have larger frontages, such that vehicles would not be parked parallel with the highway. They would also have better visibility of incoming traffic, due to the larger space and/or lack of permitted parking.
10. The provision of dropped kerb crossovers for off street parking which is parallel with the highway has been previously approved, such as the pre-development arrangement at 2A Norbury Crescent. However, the frontage size is larger than the appeal site and as such, vehicles leaving the site would not necessarily have to reverse out.
11. Accordingly, none of these reflect the proposal in size or context and do not provide directly comparable exemplars, and I have considered the proposal on its own individual merits, which is a main tenet of the planning system.
12. In conclusion, the proposed development would result in a less usable and safe environment for pedestrians, cyclists and vehicular traffic and would, therefore, cause significant harm to the effective use and safety of the highway and would not meet the guidance in the VCG. It would increase road danger and have a

detrimental impact on highway safety, contrary to Policies T4 of the London Plan (2021) and Policy DM29 of the Croydon Local Plan (2018).

13. The Council also alleges a conflict with DM10 of the Croydon Local Plan (2018). However, this policy primarily refers to design and character, and parking within the forecourt of buildings is referenced insofar as they should not cause undue harm to the character or setting of the building and where forecourts are large enough to accommodate parking and sufficient screening without the vehicle encroaching on the public highway. It adds that any proposal that has a detrimental impact in respect of these matters will be refused. There is nothing in the proposal before me, insofar as it relates to highway safety, that would have a negative impact in these regards. I therefore find no conflict with this policy.

Other Matters

14. I have considered the benefits that would arise from the proposed development. The provision of an EV charging point would provide a convenient means to charge an electric car. However, having taken this consideration into account, and given the scale and nature of the development proposed, I find that the benefits would be relatively limited and thus neither outweigh the harm I have identified nor the conflict with the development plan.

Planning Balance

15. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 (the 2010 Act). The 2010 Act sets out the relevant protected characteristics which includes disability and age. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the 2010 Act. The negative impacts of dismissing this appeal will affect the ability of a family member to leave the appeal site for medical appointments. However, having due regard to this, and to the need to eliminate discrimination and promote equality of opportunity, in my view, the adverse impacts of allowing the scheme would be disproportionate having regard to the development plan and the issues identified above.

Conclusion

16. I have found that the appeal scheme conflicts with development plan policy. No material considerations have been demonstrated which would outweigh the development plan conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR