



Appeal Decision

Site visit made on 18 April 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/L5240/W/22/3309576

12 The Close, Birchanger Road, South Norwood, Croydon, London SE25 5BW

- 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 Ms Paula Elliott against the decision of the London Borough of Croydon.
 - The application Ref 22/02171/HSE, dated 24 May 2022, was refused by notice dated 2 August 2022.
 - The development is described as “dropped kerb to create parking space in front garden”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council reference Policy DM28 in the reason for refusal. This policy primarily relates to the protection of trees. The Council has confirmed that there is a typographical error on the Decision Notice and that Policy DM29 of the Croydon Local Plan 2018 (LP) should be referenced, not Policy DM28. As Policy DM28 of the LP refers to matters which do not form part of the main issues in the consideration of this appeal, this policy is therefore not applicable. The appellant has been provided with a copy of Policy DM29 and was given an opportunity to comment on its relevance. I have therefore determined the appeal having regard to this policy.
3. The main issues are:
 - i) The effect on highway and pedestrian safety; and
 - ii) The effect on parking provision in the vicinity of the site.

Reasons

The effect on highway and pedestrian safety

4. 12 The Close is located on Birchanger Road, a tree lined road, characterised by dwellings, most of which are terraced or, as in the case of the appeal site, semi-detached. A school is opposite the appeal site.
5. The Council’s guidance sets out that proposals for vehicle crossovers on classified roads must be able to turn on site allowing access onto the highway in a forward gear. The appellant has submitted a drawing showing manoeuvring within the site which shows that it would theoretically be possible for an

average sized vehicle to enter and exit the site in forward gear. However, the drawing demonstrates that several on-site manoeuvres would be required to achieve this, and it appears that one of the manoeuvres would also require a vehicle to overhang an area of landscaping. It seems to me that such complicated manoeuvres would discourage drivers from turning on the site. In addition, the width of the parking area would be sufficient for two vehicles to park on the frontage which would not allow any vehicle to turn on site. Whilst drivers may still be able to leave the driveway in a forward gear, having first reversed onto the driveway, such a manoeuvre would require the vehicle to be reversed off the highway. This would pose a risk to other highway users and interrupt the free flow of traffic on the road in the vicinity of the school. This manoeuvre also cannot be guaranteed, and drivers could instead opt to do an even riskier manoeuvre of driving forwards into the site then reversing out into the highway.

6. The on-street parking on the eastern side of Birchanger Road, immediately outside the appeal site, is not subject to a permit zone and individual spaces are not set out, with many cars parked partially on the pavement. The appellant refers to a situation of parked cars which mount the kerb and a lack of accidents along Birchanger Road related to driveways or parking. Notwithstanding this, for the reasons stated above, and noting that the appeal site is opposite a school with the pavement utilised by pedestrians generally and vulnerable users such as children travelling to school, I consider that the proposed development would result in potential conflict with other highway users, with the crossover detrimentally affecting highway safety, particularly for pedestrians.
7. The appellant has drawn my attention to an approval of a dropped kerb at 124 Birchanger Road (ref. 9/01359/HSE) and the presence of other off-street parking spaces and dropped kerbs at other properties in the locality. From the information before me that application was approved prior to the Council's current highway vehicle access guidance being adopted. There are a number of other vehicle crossovers nearby, and I observed on my site visit that the majority of existing parking arrangements to the front of dwellings in the locality do not appear to have the requisite turning area in the manner sought by the Council for the appeal proposal, however, it is unclear on what basis these were created. Other crossovers I observed were also not located directly opposite the school, like the appeal site, and for this reason are not directly comparable. In addition, and in any event, the existence of other crossovers does not mean that further development that would risk harming highway safety is acceptable and should be permitted.
8. The Council refers to schemes allowed on appeal¹; with reference to vehicular movements and the need for sufficient manoeuvring space. However, they go on to acknowledge that the cases are not directly comparable with the appeal proposal. I agree that as the location and nature of the developments differ, the appeal decisions referred to are not directly comparable and, in any event, I have determined the case on its own merits.
9. For the reasons given above, I conclude that the proposed development would harm highway and pedestrian safety. I therefore find the proposal conflicts with

¹ APP/L5240/W/21/3289646 and APP/L5240/D/18/3211227

Policies SP8.6, DM29 and DM30 of the LP and the Framework which collectively seek to ensure safe and suitable access for all users.

The effect on parking provision

10. The Council states that adequate evidence has not been provided to demonstrate that the existing or future on-street parking stress would not exceed 85%. No further explanation of this figure is provided, and the policies referred to by the Council are not explicit on this requirement. It has also not been demonstrated that the locality surrounding the appeal site is an area experiencing significant parking stress.
11. Be that as it may, at the time of my site visit there was a high demand for on-street parking in the vicinity of the site and the available evidence indicates on-street parking is relatively limited. The proposal would reduce existing on-street parking availability but replace it by providing parking to the front of the dwelling.
12. The Council states that it is not clear if more than one space would be removed from the highway. However, from the evidence before me, even if the loss were over a vehicle length, taking into account the parking space created as a result of the development, there would overall not be a significant detrimental effect on parking provision in the locality. Based on the submitted plans, there also is no obvious reason why the proposal would result in the loss of more than the equivalent of one on-street parking space.
13. Accordingly, I conclude that the proposal would not harm parking provision in the vicinity of the site. As such I find no conflict with Policies SP8.6, DM29 and DM30 of the LP which seek parking arrangements that function satisfactorily.

Other Matters

14. Due to its siting, scale and design the proposed vehicular crossover would have a limited impact on the character and appearance of the streetscene and would not harm the living conditions of the occupants of the neighbouring properties. I note that the Council have not raised any concerns regarding these issues, and I see no reason to disagree. A fire safety statement has also been submitted. Given the nature of the development there are no outstanding concerns in this regard. However, neither these aspects nor the lack of objections from neighbours and that no commercial businesses would be affected by the proposal indicate that the development is acceptable.
15. The private benefits of a useful, safe for the appellant and secure driveway adjacent to the dwelling are noted. I also note the intention of the appellant to install an electric car charging point. It would be very difficult to charge an electric car at home without a driveway as any cabling would have to cross a pedestrian footway. Whilst this is more of a private benefit, I consider this to weigh in favour of the proposal where the move to electric cars is clearly a national priority and would positively impact on air quality, as well as reducing the use of fossil fuels. However, these benefits would be limited and thus do not overcome the harm I have identified with regard to highway and pedestrian safety.
16. The introduction of double yellow lines in the locality means that parking availability in the area has reduced. Overall, the proposed development would not reduce parking stress on other roads in the surrounding area because whilst

the proposed scheme would allow one vehicle to be parked off of the highway, the formation of the dropped kerb and access would consequently result in the loss of one available space on the road, thus having a neutral impact upon the overall availability of parking.

Conclusion

17. Whilst I have found that the proposal would not harm parking provision in the vicinity of the site, it would result in harm to highway and pedestrian safety. Accordingly, although there would be no conflict with policies relating to other matters such as character and appearance, neighbours' living conditions and fire safety, the conflicts with the above identified LP Policies indicates that the proposed development would conflict with the development plan when taken as a whole. I therefore conclude that the appeal should be dismissed.

R Gee

INSPECTOR