



Appeal Decision

Site visit made on 6 June 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/N5660/W/22/3310050

Flat A, 92 Knollys Road, London SW16 2JX

- 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 Russell Thomas against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 21/04476/FUL, dated 11 November 2021, was refused by notice dated 7 September 2022.
 - The development proposed is the installation of a dropped kerb to provide access to existing front driveway (Flat A).
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of a dropped kerb to provide access to existing front driveway (Flat A) at Flat A, 92 Knollys Road, London SW16 2JX in accordance with the terms of the application, Ref 21/04476/FUL, dated 11 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Site Plan (Scale 1:500), Plan A and Proposed Dropped Kerb (Drawing No: 001).

Preliminary Matter

2. I have utilised the description of development from the decision notice and appeal form, rather than the application form as this better reflects the appeal proposal. I have also used the appeal site address from the appeal form as this provides the full site address.

Main Issue

3. The main issue is the effect of the proposed development on highway safety, with particular regard to the availability of on-street parking.

Reasons

4. The appeal proposal is for a dropped kerb which would enable a vehicle to park on an existing area of hardstanding to the front of the appeal building. The Council has however raised concerns that this would result in the loss of on-street parking in an area where there are existing on-street parking pressures.
5. At the time of my visit there were high levels of on-street parking in the vicinity of the site. The dropped kerb proposed would inevitably reduce the length of

kerbside parking. The appellant has however set out with reference to the 3.5m width of the proposed dropped kerb, that this would not lead to a parking reduction equating to a full car length, and it would still be possible for 6 vehicles to park between existing vehicle crossovers at No's 90 and 100 Knollys Road. This has not been disputed by the Council and as such, having regard to the evidence before me and my site observations, I do not consider the proposal would result in the unacceptable loss of on-street parking.

6. Elevation plans have not been provided showing the heights of boundaries, nor have details of pedestrian visibility. I note that Knollys Road is identified as a local distributor road, but it was lightly trafficked, with few pedestrian movements along it at the time of my visit in the early afternoon. Any emerging vehicle from the parking space that would be using the proposed dropped kerb, would be doing so at a slow speed. The appellant has also referenced data that shows no accidents in the vicinity of the site between 1999 and 2022. As such, the proposal would not have a detrimental impact on pedestrian safety.
7. I therefore conclude that the proposal would not have an unacceptable adverse impact on highway safety and would not lead to an unacceptable reduction in the availability of on-street parking. Although the proposal would not comply with section B. of Policy Q14 of the Lambeth Local Plan 2020-2035 (Local Plan) which sets out that car parking in front gardens will only be permitted for Blue Badge holders, the proposal would not be contrary to Local Plan Policies T1 and T6 nor Policies T1, T2 and T6 of The London Plan which require, amongst other matters, development to make the effective use of land, and for car parking to be restricted in line with levels of existing and future transport accessibility and connectivity.

Other Matters

8. Reference has been made by the appellant to a number of other vehicle crossovers. It is clear from the information before me, that the circumstances of the crossover on the adjacent site differed from the appeal proposal. On other vehicle crossovers in the area, I have limited information before me of when and if they were granted planning permission. I can however confirm that I have dealt with this appeal on its own merits.
9. The Council has stated that to allow car parking, would reduce any future opportunities for soft landscaping in the front garden area of the appeal site. The hardstanding area is existing and there is nothing before me that indicates that this would change. In any event, there are other areas of the front garden which provide opportunities for soft landscaping, and I do not consider that the proposal would have an unacceptable impact on the character and appearance of the area in this regard.

Conditions

10. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of these as appropriate.
11. A condition is necessary to ensure the development is carried out in accordance with the submitted details. I do not however consider the suggested condition requiring details of visibility splays to be necessary for the reasons set out

earlier in this decision nor the suggested condition on external materials as the appeal proposal is limited to the creation of a dropped kerb to provide a vehicle crossover.

Conclusion

12. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR