



Appeal Decision

Site visit made on 26 July 2023

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2023

Appeal Ref: APP/M3645/D/23/3318880

34 Downs Way, Oxted, Surrey RH8 0NZ

- 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 Mrs Melinda Cherrett against the decision of the Tandridge District Council.
 - The application Ref TA/2022/672, dated 15 May 2022, was refused by notice dated 1 March 2023.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. No.34 is a terraced property located at the end of Downs Way adjacent to Downs Way School. The terraced properties in the row have projecting porches, modest front gardens and no driveways. The proposed dropped kerb would be positioned immediately adjacent to the school gates and relates to a small extent of the road which is not part of the identified parking area. To the other side is a turning head marked to be kept clear.
4. The frontage to the appeal property has been tarmacked and whilst it is wider than its neighbours the depth is limited, and it has a splayed form to the pavement. Access to the parking space would require crossing over the pedestrian access route to the school, and a path which provides access to the two terraced properties beyond No.34. Given the proximity to the school there will be periods of the day when the footpath and road will be very busy. This is endorsed in the numerous representations by third parties and the appellant who indicates that the road often gets blocked at peak times.
5. The County Highway Authority advise that the off-road parking is of an insufficient size and there is no further information before me to demonstrate that a vehicle could be fully parked in the space without overhanging. From what I saw on site any projection would hinder pedestrian movements, particularly as it would be adjacent to the existing pinch point where pupils enter/exit through the school gate, and which inevitably as a primary school, will also include parents/carers with prams and other small children.

6. Vehicular movement either into or out of the parking space would be through reversing and require turning in the road as it is not a through route. Whilst the appellant indicates that the hedge, which was adjacent to the school gate has been removed, that area is outside the applicant's control, and visibility would still be restricted. There are a number of other obstructions which would mean when egressing the parking space access over the footpath will be required before visibility would allow vehicles on the road / leaving the school car park to be seen.
7. There would thereby be a clear conflict of uses and risk to safety for both pedestrians and road users. This is a particularly sensitive location with high levels of movement at certain times, which is potentially unpredictable. The proposed development would lead to increased hazards which would impede movement and would be hazardous to pedestrians using the pavement, creating an unacceptable risk of conflict between pedestrians and the vehicle parked on, and accessing the site.
8. I therefore conclude that the proposal could have an unacceptable impact on highway safety and would conflict with policy CSP12 of the Tandridge District Core Strategy (2008) and policies DP5 and DP7 of the Tandridge Local Plan Part 2: Detailed Policies (2014) which together seek to ensure safe and suitable access arrangements and to minimise conflicts between users. It would also fail to accord with the objectives of the National Planning Policy Framework (Section 9) which promotes sustainable forms of travel, creating places that are safe and minimising conflicts between pedestrians/cyclists and vehicles.

Other Matters

9. The appellant indicates that the off-street parking will reduce the need for them to park on the road. Whilst I understand the appellant's desire to reduce congestion, the existing on-street parking is available to others and the proposed off-street facilities would be undersized. Therefore, this is not a matter to which I have given positive weight and there are no other issues raised which indicate that the proposal should be determined other than in accordance with the Development Plan.

Conclusion

10. For the reasons set out the appeal is dismissed.

G Ellis

INSPECTOR