



Appeal Decision

Site visit made on 22 January 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2024

Appeal Ref: APP/L5240/D/23/3332315
159 Mitcham Road, Croydon, CR0 3NB

- 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 Letitia Omana against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/02394/HSE, dated 14 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is the installation of a dropped kerb for vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a dropped kerb for vehicle access at 159 Mitcham Road, Croydon, CR0 3NB in accordance with the terms of the application, Ref 23/02394/HSE, dated 14 August 2023, 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: Site Location Plan at scale 1:1250 and Drg Nos 02-01 Rev P1 and 02-02 Rev P2.

Main Issue

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

Reasons

3. The appeal property is a mid-terraced house along a linear stretch of Mitcham Road, a busy classified road and bus route with two-way traffic, and which is lined with terraced properties to both sides at this point. The frontages to the dwellings are all similar in terms of their depths and side enclosures, which are broadly either open plan merging with neighbours, or else comprise low brick walls, fences, or hedgerows. No 159 has an existing open hard stand to the front with no enclosures to either side boundary. The proposal is to provide a vehicular access to the site from the road and across the pavement via a new dropped kerb enabling formal access to off-street parking on the existing hard stand.
4. On-street parking along Mitcham Road is unrestricted at this point, and during my visit I saw vehicles parked where opportunities arose. However, I was struck by the very significant number of properties with hard standings where

cars were able to be parked perpendicular to the road, the significant majority with pavement crossovers facilitated by dropped kerbs. Those with formal access arrangements were numerous in close proximity to the appeal site and on the same side of the road, including at Nos 141, 147, 151, 153, 155, 157, 161, 163 and 165 leading up to a traffic light controlled pedestrian crossing at this point. A similar plethora of formal pavement crossings and frontage parking existed on the opposite side of the road, including two examples at Nos 250 and 254 which I note were both granted planning permission for vehicular accesses on appeal in 2018 (Refs APP/L5240/D/18/3212037 and APP/L5240/W/18/3194094).

5. I accept that the frontage space to the appeal site would not be sufficient in size to allow a vehicle to turn and thereby exit and enter the highway in forward gear. This would contravene the Council's *Highway Vehicle Crossover Guidance* (HVCG), adopted in 2020, in this regard. But it was clear from my observations that reversing manoeuvres along this stretch of Mitcham Road would already be commonplace due to the significant amount of frontage parking which already occurs, and that cars would already emerge onto the carriageway between parked cars. The proposal for No 159 would add to the mix but I have been presented with no evidence to demonstrate that the existing highway environment presents any inherent danger to its users, regardless of traffic volumes on the highway. I therefore have no reason to consider that the proposal would somehow unacceptably 'tip-the-balance' by creating additional vehicle reversing movements that would be detrimental to the safety of highway users.
6. I note the Council's point that the existing dropped kerbs in the vicinity of the site were likely installed prior to the adoption of the HVCG, but failure to comply with the guidance does not automatically equate to a negative or detrimental impact upon highway safety.
7. My attention has been drawn to an appeal decision in June 2021 (APP/L5240/D/21/3266972). In that case an appeal was dismissed for a proposed vehicle crossover and formation of a vehicular access at 646 Mitcham Road. However, Mitcham Road runs for a very considerable length and No 646 is a significant distance from the appeal site to the west, and beyond an intervening and major five-limbed roundabout junction. Moreover, in that case the Inspector noted only limited instances of other properties with similar vehicular points of access to the carriageway. The circumstances at No 646 are not directly comparable to those at the current appeal property.
8. Overall, I am satisfied that the proposed vehicular access at 159 Mitcham Road would not have a detrimental impact on highway safety. In these circumstances there would be no conflict with Policy DM29 of the Croydon Local Plan (2018), which seeks to ensure that development promotes sustainable growth in Croydon and reduce the impact of traffic congestion by, amongst other things, avoiding a detrimental impact on highway safety.

Conditions

9. In addition to the standard time limit condition a condition specifying the relevant plans is necessary in order to provide certainty. The Council has suggested a condition that would require the development to be undertaken in accordance with the provisions of the Design Access Statement (DAS) which accompanied the application. The reason they give would be to ensure that the

development would incorporate fire safety measures. The officer's report elaborates that this would be necessary to satisfy the requirements of Policy D12 of The London Plan (TLP) for all development to achieve a high standard of fire safety. The DAS outlines how a fire appliance could access the property in a manner as already existing. The Council has indicated this to be acceptable. The proposed plans are sufficient to indicate that the requirements of TLP Policy D12 would be met and therefore no further condition is necessary.

Conclusion

10. For the reasons given, and in the absence of any other conflict with the development plan, I conclude that the appeal should be allowed.

John D Allan

INSPECTOR