
Appeal Decision

Site visit made on 19 March 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.04.2024

Appeal Ref: APP/L5240/D/24/3337322

2 Cadogan Place, Kenley CR8 5PD

- 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 Jonathan Morgan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/04008/HSE, dated 23 October 2023, was refused by notice dated 15 December 2023.
 - The proposed development is for a new vehicular access/front landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicular access/front landscaping at 2 Cadogan Place, Kenley CR8 5PD in accordance with the terms of the application ref. 23/0400/HSE, dated 23 October 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: 543-03 Rev D, 543-04 Rev D, 23-235-SK01 A.
 - 3) The existing parking spaces and turning area as shown on drawing 543-04 Rev D shall be kept available for those purposes to allow vehicles to park on site and turn so that they may enter and leave the site in a forward gear.
 - 4) No part of the development hereby permitted shall be first used until the visibility splays for the vehicular access have been provided in accordance with drawing 23-235-SK01 A as contained in the Transport Note. Anything within the pedestrian visibility splays at a height greater than 0.6m above the level of the highway shall be removed; and anything within the vehicular visibility splays at a height of 0.9m above the level of the highway shall also be removed; and the approved visibility splays shall be maintained thereafter.

Main Issue

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

Reasons

3. The appeal site comprises a two-storey, detached house accessed via a shared driveway and with off-street parking to the front. The local neighbourhood is predominantly residential in nature.

4. The Council's Vehicle Crossover Guidelines (VCG) state that only one vehicle crossover will be allowed per property, and a second will be considered only in exceptional circumstances. It goes on to explain that multiple crossovers, amongst other things, cause hazards to pedestrian road users.
5. Hayes Lane is a winding road that runs from the peripherals of Caterham into the heart of Kenley and through to the A22. I saw that the section of highway in the proximity of the appeal site is generally used by vehicles travelling along the thoroughfare at low speeds and with caution. There is a warning sign nearby that indicates an absence of footway for 400 yards to the north.
6. The proposal would be relatively isolated from other crossovers and clearly visible from a distance along the public footpath in both directions. The appellant's transport note (TN) has addressed the Council's concerns in respect of pedestrian sight lines, with the submitted plan demonstrating that appropriate visibility splays of 1.5 metres by 1.5 metres can be achieved from the back of the footway.
7. Moreover, the TN also shows that vehicular sight lines can be attained in both directions, with splays in accordance with required standards. I am aware of the infrequency and short duration of crossing manoeuvres, the low speeds involved, the relatively wide footway and that access and egress can be achieved in a forward gear given the extent of the parking and turning area serving the host dwelling. There is nothing in the evidence to suggest that vehicle speeding on Hayes Lane is a problem, or that any incidents involving vehicles and pedestrians have been recently reported in the locale.
8. Drawing the strings together, I consider that the proposed access arrangements would be safe and suitable. The scheme accords with Policy DM30 of the Croydon Local Plan, Policy T4 of the London Plan 2021 and the VCG, which seeks to ensure that highway safety would not be unduly compromised. The proposal is also consistent with the advice the National Planning Policy Framework, which seeks to ensure that development does not have an unacceptable impact on highway safety.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. Conditions relating to the retention of the existing parking and turning areas and maintenance of the visibility splays are required to preserve highway and pedestrian safety; with such measures in place I consider a speed count and swept path analysis to be unnecessary.

Conclusion

10. I allow the appeal having regard to the foregoing arguments and all other matters put forward.

C Hall

INSPECTOR