



Appeal Decision

Site visit made on 6 March 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/L5240/W/23/3330734

14 Dovercourt Avenue, Thornton Heath, Croydon CR7 7LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Patricia Giraldo against the Council of the London Borough of Croydon.
 - The application Ref is 23/01387/FUL, is dated 30 March 2023.
 - The development proposed is extension to the side of the property and conversion of the dwelling from one dwelling into two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made against the failure of the Council to give notice of its decision within the prescribed period, however, the Council has provided an officer's report indicating that it would have refused planning permission and setting out its area of concern with regard to the proposal. This has informed my main issue.
3. The appellant has provided an amended plan removing the proposed parking area to the front of the property shown on the originally submitted drawing. I am mindful that the appeal process should not be used to evolve a scheme, and instead a fresh planning application should usually be made. Although not a fundamental change to the proposal, the amended plan has not been subject to public consultation. As interested parties have not been afforded opportunity to make any representations in relation to the change, in the interests of fairness I have considered the appeal on the basis of the plans as originally submitted.
4. I saw on my site visit that the proposal was largely implemented, although some external areas did not appear to wholly reflect the proposed plans. Accordingly, I have considered the proposal on the basis of the plans which are before me.

Main Issue

5. The main issue is the effect of the proposal upon highway safety.

Reasons

6. The appeal site is a corner plot in a street of terraced properties. The street operates a one-way system with few properties having any off-street parking provision.
7. The proposal would result in the loss of an existing garage, and an area to its front which, the evidence indicates, has been used for off-street parking purposes. Although neither the parking area nor garage remained at the time of my visit, it is clear from the evidence before me that both were irregular in shape and that there was no physical demarcation beyond surface materials between the driveway and the surrounding footway.
8. The appeal site is located on a tight corner in the road. Given the evident high levels of on-street parking and the tightness of the corner, it is likely that visibility when entering and exiting the driveway would have been severely restricted. Furthermore, the lack of demarcation would have meant that pedestrians would have passed close to any manoeuvring vehicle at close quarters, and when open, vehicle doors would have overhung the footway, as would any larger sized car.
9. On this basis, the driveway and garage could not reasonably be judged to have been providing an appropriate contribution to off-street parking in the area, such that their retention should be sought.
10. There is some dispute as to whether the appeal site is located in an area with Public Transport Access Level ('PTAL') 2 or 3. It is clear that the site is located close to the boundary between two areas of differing levels, and that the PTAL mapping is of insufficient detail to allow a determination with any degree of certainty. Regardless, the site would not fall within the areas where the Council will encourage car-free development set out within CLP Policy SP8, as these are restricted to areas of PTAL 5, 6a and 6b. CLP Policy DM30 states that development in areas where there is existing on-street parking stress should reduce the impact of car parking.
11. As the proposal would lead to two dwellings occupying the appeal site, the maximum car parking standard is one space per dwelling. The provided plans indicate that an area to the front of the site would provide off-street parking for one vehicle, however it is likely that the use of the indicated area for this purpose would lead to harm to highway safety due to its location at a corner with restricted visibility and high potential for conflict with pedestrians.
12. There is no substantive evidence before me in relation to existing parking stress. Although only a snapshot in time, I observed that demand for on-street parking space in the street was high, with vehicles parked on both sides of the road. My visit was made at mid-afternoon on a weekday when parking demand would be expected to be below its peak level. Accordingly, with no substantive evidence before me to indicate otherwise, it would seem that there is a reasonable degree of pressure upon existing parking capacity.
13. The appeal site is located within an urban area, and there are shops and services within walking distance. However, given the borderline nature of the PTAL rating between 'good' and 'poor', this suggests that access to wider facilities, services or employment opportunities beyond the immediate local area by means of public transport would not always be practicable or attractive

to future occupiers. Consequently, it is probable that future occupiers may wish to keep a car at, or close to the property.

14. It therefore follows that although the loss of the existing off-street parking provision would effectively be a neutral factor in terms of capacity, the increase in the number of dwellings would nevertheless lead to an increase in demand for on-street parking. As it appears that there may be limited capacity to accommodate additional demand, it is possible that this could lead to inconsiderate or dangerous parking within the street.
15. I acknowledge that the general thrust of national and local planning policy is to reduce reliance on the private car. I have also had regard to the fact that the Council and Inspectors have both either approved or allowed similar developments elsewhere in the area. Be this as it may be, such conclusions are dependent on the specific circumstances of each case, and I do not have full details of the levels of available on-street parking or potential parking stress in the vicinity of these sites. Furthermore, in some of the cited cases, the issue of highway safety was not identified by Inspectors as being a main issue of dispute.
16. My attention has also been drawn to a previous appeal at this site, however in dismissing the appeal, that Inspector drew no conclusions in relation to highway safety. I also note that the Council raised no objection to a previous proposal at this appeal site on the basis of parking provision. Whilst I acknowledge the importance of consistency in decision making, it appears that this previous position was taken with the mistaken understanding that the site lies within an area of PTAL 4. Accordingly, this limits the weight that I can afford to this fact, and neither decision is determinative in my considerations.
17. Furthermore, although the proposal would lead to the removal of the existing parking arrangement, it would include a replacement area which would be harmful to highway safety in itself. The removal of the existing situation would not, therefore, be a benefit of the proposal.
18. Additionally, with no controlled parking zone in place, there would be no mechanism to ensure that the proposal is occupied in such a way that it would not increase demand for on-street parking.
19. With no substantive evidence before me to demonstrate otherwise, it has not been shown that the development would not lead to harm to highway safety by contributing to existing parking stress. It therefore conflicts with Policies DM29 and DM30 of the Croydon Local Plan, which together, and amongst other factors state that new developments must not have a detrimental effect upon highway safety and should reduce the impact of car parking.
20. However, due to the strategic nature of CLP Policy SP8, there would not be direct conflict with it.

Other Matters

21. The proposal would boost the supply of housing on a previously developed site in an urban area with access to facilities and services and would assist in achieving the Government's objective of boosting the supply of homes. These are benefits of the proposal to which I afford moderate weight.

22. There would also be additional benefits in terms of a temporary economic boost during construction, and thereafter following occupation, including additional Council Tax revenues. However, the given the small scale of the scheme, I afford these benefits only minor weight.
23. Even if I were to agree that the proposal would be acceptable in relation to environmental and ecological effects, its effect upon the character and appearance of the area, as well as in relation to its effect upon the living conditions of occupiers of nearby properties, these would only be neutral factors which would not weigh in favour of the scheme.
24. It has also been highlighted that the proposal would generate Community Infrastructure Levy payments. However, as this would help deliver infrastructure needed to support development, it would weigh neutrally, rather than positively in the planning balance.

Conclusion

25. For the reasons given, I conclude that the development conflicts with the development plan when read as a whole. No material considerations, including the Framework, exist which would warrant taking a decision other than in accordance with the development plan.
26. Therefore, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR