



Appeal Decision

Site visit made on 24 April 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/T5720/W/23/3331698

Flat 7, Elizabeth Court, Dudley Drive, Merton, Morden SM4 4RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Colliver against the decision of London Borough of Merton.
 - The application Ref is 23/P1444.
 - The development proposed is formation of vehicular crossover with access to hardstanding in front garden area to create off street parking for flat 7.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form and decision notice as this accurately and succinctly describes the act of development.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and highway safety.

Reasons

Character and Appearance

4. Dudley Drive is mainly characterised by terraced houses in a consistent appearance, the majority of which have paved front gardens for vehicle parking and crossovers. The properties at Elizabeth Court are notably different in their appearance. On Dudley Drive they include four detached buildings containing maisonettes, including flat 7. They are set on a curve in the road which results in generous front gardens which are grassed with no vehicle parking. The appeal site is towards the centre of this curve with one of the longer gardens. These characteristics result in an attractive sense of openness and greenery, consistent to Elizabeth Court.
5. The proposed development would create a crossover which would allow vehicle parking on part of the front garden area, and the plans show that this area would be hard surfaced.
6. The introduction of hard landscaping and parked cars would erode the open green character of this front garden. Over half of the garden area would remain as grass, however, the extent of the proposed parking area would be clearly evident and highly visible in a prominent position. Therefore, the proposed

development would harmfully undermine the important, consistent, positive characteristics described above.

7. As such, the proposed development would be harmful to the character and appearance of the area. Therefore, it would be contrary to Policy DM D2 of the Sites and Policies Plan and Policies Maps (2014) (SPP) which sets criteria to achieve high quality design including relating positively to the features of the surrounding area.

Highway Safety

8. It appears that the area outside Elizabeth Court is frequently parked with a line of cars. The appeal site is towards the centre of the bend in the road outside Elizabeth Court, so the highway is at a gentle curve in this location. There are also street trees along this road, with one located on the pavement to the north east of the appeal site. Dudley Drive is a residential road with a 20mph speed limit so cars should be travelling slowly. The appeal site is opposite the junction of Dudley Drive and Aragon Road and is close to a school and nursery. The proposed development would introduce around a 5m wide crossover in this location, where cars should not park.
9. For drivers and cyclists travelling south who would be closest to the access, the cars parked on street and to a lesser extent the street tree, would be in front of the location where a vehicle would be manoeuvring into the highway. However, the gap created by the proposed crossover would create additional visibility and as such any car entering or exiting the site, which would be at a slow speed, would be suitably visible. Given the location of the crossover directly opposite Aragon Road there is clear intervisibility between vehicles using this junction and cars entering or exiting. As such this is unlikely to result in conflict between road users.
10. For pedestrians, the width and location of the tree, the low boundary treatment and open nature of the gardens would mean that a car moving off the site would be visible. The remainder of the road has frequent crossovers and therefore pedestrians would be alert to vehicle movements.
11. London Borough of Merton Highways section have not objected, although I understand that this is in connection with the physical construction of the works, not highway safety. Users of the parking space would be aware that they are crossing a pavement and entering a road and would be driving appropriately. I have taken into account the slow and residential character of the road which already has frequent crossovers and the intervisibility between pedestrians and vehicles on the site and the highway. Therefore, even with the on street parking and street tree, the proposed development would not lead to harm to highway safety.
12. Therefore, the proposed development would not result in harm to highway safety. As such it would be in accordance with Policies T4 of the London Plan (2021), Policy CS 20 of the LDF Core Planning Strategy (2011) and Policy DM T2 of the SPP. Together, amongst other things, these require that development should not increase road danger, and incorporate safe access to and from the public highway.

Other Matters

13. The site is in an area which is PTAL 2 and therefore the occupiers wish to use a car for some journeys. Whilst it may be more convenient for them to park at their property, given there is on street parking nearby, this would be mainly a private benefit. Furthermore, the lack of harm with regard to highway safety is a neutral matter. As such this would not outweigh the public and permanent harm to the character and appearance of the area.

Conclusion

14. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR