



Appeal Decision

Site visit made on 21 June 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/L5240/D/24/3339942
68 Valley Road, Kenley CR8 5BU

- 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 Ms Marcia Bennett against the decision of the London Borough of Croydon.
 - The application Ref: 23/03972/HSE.
 - The development is for off street parking spaces for raised driveway to the front elevation of the dwelling with drop kerb to roadway (Retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As stated in the header to this decision, the application is for retrospective permission. The planning application form states that the works started on 27 January 2023 and were completed on 10 February 2023.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the living conditions of the neighbouring property with particular regard to outlook and privacy;
 - (ii) Highway safety; and
 - (iii) the character and appearance of the area.

Reasons

Living conditions

4. The appeal site is a detached bungalow located on the north east side of Valley Road. Due to the topography of the land, the appeal property and the immediately adjacent dwellings are located below Valley Road. I understand that before the development was constructed the land was a tiered front garden area with bushes and other vegetation. This has been replaced by the parking area on higher ground adjacent to the road and includes a large blank wall that underpins the structure.

5. The parking area has been constructed in close proximity to the front elevations of both the appeal property and No 66. As there is no screening around the development other than railings, the parking area is prominently visible from the front elevation of No 66. Accordingly, I find that due to the proximity, bulk and scale and mass, the development is unneighbourly and unduly harms the outlook of No 66. This effect is exacerbated by the large blank wall that has been constructed to underpin the parking area, which increases the sense of enclosure to No 66.
6. Moreover, due to the proximity, lack of screening and elevated position, the parking area creates overlooking to the frontage of No 66 as people enter and leave vehicles. This results in an unacceptable loss of privacy to the occupants of No 66.
7. I note the appellant indicates that planting could be installed to help soften the development and potentially address the impacts on the living conditions of No 66. However, no information has been provided to demonstrate that planting could successfully be installed to soften its visual impact. I therefore give this very limited weight in this decision and it, therefore, does not outweigh the harm I have identified to living conditions.
8. I have had regard to the appellant's Daylight and Sunlight Report and agree that it confirms there is not a harmful impact in terms of light to nearby properties. Finding no harm in this regard, however, does not justify the harm I have identified in terms of loss of outlook and privacy to No 66.
9. To conclude, the development harms the living conditions of No 66 with regard to their outlook and privacy contrary to Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP), which amongst other things require development to enhance well-being and ensure that the amenity of adjoining buildings are protected. The development also conflicts with Paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to ensure that development has a high standard of amenity for existing and future users.

Highway safety

10. The plans before me show that the parking area would be used for 1 vehicle parked horizontally to the road, although I observed on my site inspection that two cars were parking on it perpendicular to the road.
11. The Council's vehicular cross over guidance states that parking spaces must be a minimum size of 2.4m wide and 4.8m long and parked perpendicular to the footway. From the information before me, it is evident that the development as constructed would not meet the dimensions required for perpendicular parking, albeit I note that this arrangement is not before me to consider.
12. Notwithstanding this, the parallel parking space subject of this appeal is evidently contrary to the Council's guidance that requires perpendicular layouts to the front of properties. I note that the Council's highway officer also advised during the application that there are insufficient sightlines for the development to accommodate a parallel parking arrangement.
13. I have reviewed the information provided by the appellant seeking to justify that the parallel parking space is acceptable in highway terms. However, I am not satisfied that it conclusively demonstrates that suitable pedestrian

sightlines are provided, or that it can be accessed and egressed safely and when cars are parking on the street. It appears to me that the development would operate more effectively as perpendicular parking if the dimensions met the Council's requirement.

14. Furthermore, the proposed crossover is larger than what would be required for a perpendicular layout, which could result in the reduction of on-street parking. I note in response, the appellant's technical highway drawing proposes to address this by turning the existing crossover back to footway albeit on land that is outside of the application site. The Council asked for a parking survey to be undertaken to demonstrate that the proposed crossover would not exacerbate parking stress in the area.
15. I observed on my site inspection, which took place on a weekday morning, that on-street parking was in frequent demand although there were some spaces available. This was, however, only a snapshot and more detailed analysis is needed to determine the overall impact on parking around the site. I, therefore, agree that the further parking survey information is needed to properly assess whether the approach to existing and proposed crossovers is acceptable. Without it, I am not satisfied from the information before me that the parallel parking arrangement would be safe in highway safety terms.
16. In conclusion, the development has not demonstrated that it is acceptable in highway safety terms and is contrary to Policy T6 of the London Plan (2021) and Policies SP8, DM29 and DM30 of the Croydon Local Plan (2018), which require that development should not increase road danger and must not have a detrimental impact on highway safety for all users. The proposal would also conflict with Paragraph 115 of the National Planning Policy Framework (the Framework), which seeks to prevent unacceptable impact on highway safety.

Character and appearance

17. The character of the area is residential with parking provided primarily by on-street provision although there are some properties that have off-street provision.
18. The parking area in combination with the bin store extends across the majority of the appeal property's frontage. The character of frontages along Valley Road is varied with some properties having open areas and some with vegetation and other boundary treatment. Where properties have open frontages they are either smaller in width than the appeal proposal or partially screened with hedges and other vegetation.
19. In contrast, the appeal development in combination with the bin store appears as a very open and prominent and overly engineered gap in the street scene. As discussed above, it has not been demonstrated that it is possible for landscaping to be installed to soften the impact, and I therefore must assess the impact of the proposal as built. For the aforementioned reasons, the development harms the character and appearance of the street scene due to its width and functional design that is at odds with the character to the front of properties that predominates.
20. I therefore, conclude that the development does not accord with Policy D4 of the LP and Policies SP4.1 and DM10 of the CLP, which seek to deliver high quality design, which respects Croydon's varied local character and contribute

positively to public realm, landscape and townscape. The development also conflicts with Paragraph 135 of the Framework, which seeks to ensure development is sympathetic to local character.

Other matters

21. I have considered carefully the appellant's material considerations that the development is required following damage to their vehicle when parking on the road. Whilst I am sympathetic to the appellant's need in this regard, it does not outweigh the harm I have identified as it is necessary for off-street parking to be acceptable in terms of highway safety, living conditions of adjoining properties and the character of the area, which I am not satisfied is the case with this development.

Conclusion

22. To conclude, the development would have an adverse impact on the living conditions of No 66 Valley Road, the character and appearance of the area and highway safety. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR