



Appeal Decision

Site visit made on 30 July 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13TH August 2024

Appeal Ref: APP/L5240/D/24/3345173

55 Birchanger Road, South Norwood, SE25 5BE

- 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 D Criticos against the decision of the Council to the London Borough of Croydon.
 - The application Ref is 23/01957/FUL.
 - The development proposed is described as formation of driveway and dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site fronts onto a mini roundabout within Birchanger Road, which the appellant has described as a 'moderately busy' classified road, which at this point is subject to a 20mph speed restriction. The mini roundabout serves the junction of Birchanger Road and Tennison Road and a short distance to the north is a second mini roundabout at the junction of Birchanger Road and Elborough Road.
4. On street parking is allowed within all of these roads, which are not the subject of controlled parking zones. Many of the properties benefit from on-site parking, including within close proximity to the two mini roundabouts.
5. Together and amongst other things Policy T4 of the London Plan and policy DM29 of the Croydon Local Plan 2018 (LP) state that proposals should not have a detrimental impact on highway safety. LP Policy DM30 states that development should ensure that the provision of parking does not compromise the movement of pedestrians, cyclist, public transport and emergency vehicles. Paragraph 117 of the National Planning Policy Framework 2023 (the Framework), states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
6. The proposed driveway, which has already been constructed and the proposed dropped kerb would be accessed directly off the mini roundabout. When

approaching the mini roundabout in both directions from Birchanger Road the on-site parking area would be partially screened by boundary walls, hedges and trees within the highway. At the time of my appeal site visit forward visibility of a car parked within the on-site parking space was restricted by cars parked within the highway close to the proposed dropped kerb, where they partially straddled the pavement. Pedestrian visibility from the driveway is similarly restricted by the front boundary wall and associated pillars.

7. When exiting the driveway in forward gear visibility is partially blocked by the front boundary walls and the adjacent fences and planting on both sides. If vehicles were reversed out of the driveway, driver visibility would be severely restricted. The appellant has suggested that cars could be reversed into the parking area by straddling the pavement. This would involve stopping and reversing within the roundabout area, as well as reversing along a pavement. This would introduce material pedestrian and vehicular highway safety risks. Even when accessing the driveway in forward gear drivers of vehicles behind would need to slow down or stop within the roundabout carriageway. This is at a point where drivers approaching from the west need to give way to the right and may be unaware of any car in front slowing or stopping.
8. For these reasons, notwithstanding the low speed limit, I find that forward visibility of and from the driveway is inadequate and that the manoeuvres within the roundabout to access the driveway introduce material highway safety concerns. These concerns clearly outweigh the benefits for the appellant and their family that would result from the provision of a driveway and associated dropped kerb. Whilst visibility could be improved on land and along boundaries owned by the appellant, forward visibility of the on-site parking area would still be restricted and the unsafe nature of the manoeuvres required to access and exit the on-site parking area would not be addressed. As such it would not be possible to make the proposal safe through the imposition of conditions.
9. I conclude that the proposal would have an unacceptable impact on both vehicular and pedestrian highway safety. It would therefore conflict with policy T4 of the London Plan and LP Policies DM29 and DM30.

Elizabeth Lawrence

INSPECTOR