



Appeal Decision

Site visit made on 28 May 2025

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/L5240/D/25/3364307
328 Mitcham Road, Croydon, CR0 3JN

- 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 Shahid Mahmood against the decision of Croydon Council.
 - The application Ref is 24/04097/HSE.
 - The development proposed is kerb drop to create vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for construction of kerb drop to create vehicular access at 328 Mitcham Road, Croydon, CR0 3JN, in accordance with the terms of the application Ref 24/04097/HSE and the plans submitted with it, 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: 00 Site Location, 01 Existing Building, 02 Proposed and 03 Street Scene received 02.12.2024.
 - 3) Prior to the commencement of the development the approval of the Local Planning Authority shall be obtained with respect to the following matters: Highway access demonstrating Highway Visibility Splays. Once approved in writing, these matters shall be provided in accordance on site prior to occupation and retained for the lifetime of the development.
 - 4) Prior to the commencement of development, a full arboricultural assessment including tree survey and tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Main issues

2. I consider that the main issues in this case are its effect on highway safety and on the character and appearance of the area, having regard to the impact on the health of a nearby tree.

Reasons

3. 328 Mitcham Road is a two storey terraced house set back approximately 5m from the pavement on the northeast side of the street. It is typical of the

terraced properties on this side of the street as far as Priory Road to the southeast. There is a large vehicular entrance to a car wash facility located to the west of the site. The southwest side of the street is a mix of terraced and semi-detached houses.

4. The relevant policies in this case include T4 of the London Plan 2021 and SP8 and DM29 of the Croydon Local Plan 2018 (the local plan) which relate to highway safety. Policy G7 of the London Plan and policies SP4, DM10 and DM28 relate, among other things, to the design and character of development and include particular reference to the protection of important trees.

Highway safety

5. The whole front garden area of No. 328 is paved. A car was parked on it at the time of my visit and a car was also parked on the street in front of the site. A large majority of the houses along the street, especially on the northeast side have some form of hardstanding in the front garden. Many of these have dropped kerbs and at the time of my visit several cars were parked in the front gardens. There were also many cars parked on the street.
6. I consider that the proposed dropped kerb would not have an adverse effect on highway safety in terms of causing accidents in the context of the numerous similar arrangements along the street. It is clear that the existing hardstandings along the street both with and without dropped kerbs are in frequent use.
7. The provision of a dropped kerb would result in a smoother entry and exit to the property. I have considered this case on its merits and find that it would be a practical solution to the existing imperfect situation where none of the properties along this side of the street have the desirable minimum of space to allow for entry and exit to the site in forward gear but are nevertheless able to make offstreet provision for cars. It would not result in a discernible adverse cumulative impact on safety.
8. I note from the Council's diagram showing the number of accidents over an unspecified period of time in the vicinity that the large majority of them have occurred close to the roundabout, with some by the bus stop and the entrance to the car wash. The diagram has no key to the colour of the dots which indicate the severity of the accidents. In any case, there were very few along the road towards the southeast where there are numerous front garden parking areas. This would indicate to me that the users of the existing parking areas commonly negotiate the entry and exit to their properties without incident.
9. I conclude that the proposed dropped kerb would not have an adverse effect on highway safety and that in this respect it is consistent with London Plan policy T4 and local plan policies SP8 and DM29.

Character and appearance

10. The street scene in Mitcham Road is enhanced by large mature street trees spaced at intervals along both sides which at the time of my visit appeared to be undergoing a programme of pollarding. There is no indication in the information before me that these trees are subject to Tree Preservation Orders but it is clear that they are valued and development which would damage them would harm the character and appearance of the area and would not be supported by the Council.

11. One of these trees is directly in front of No. 330, the adjoining property to the northwest. Its base is close to the edge of the carriageway and surrounded by a small area of rough earth, with a low set kerb separating it from the surrounding hard surfaces of the road and the pavement.
12. I consider that the presence of the tree is not a major factor in the visibility available along the street for vehicles emerging as greater obstacles are presented by the number of parked cars on the street.
13. The appellant has expressed a willingness to accept a condition requiring the provision of an Arboricultural Method Statement and root survey and to employ construction methods which would avoid damage to the roots. I saw during my visit that there are several dropped kerbs in a similar or closer proximity to trees and I consider that with the appropriate precautions, the proposed dropped kerb would not adversely affect the tree.
14. I conclude the proposal would not harm the character and appearance of the area and that it is consistent with policy G7 of the London Plan and local plan policies SP4, DM10 and DM28.
15. For the reasons given above, the appeal is allowed.

Conditions

16. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the visibility splays is necessary in the interests of highway safety and one relating to the Arboricultural survey is necessary to ensure that the tree and the visual amenity that it provides are sufficiently protected.

PAG Metcalfe

INSPECTOR