



Appeal Decision

Site visit made on 31 July 2025 by T Mansfield

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/T5720/D/25/3359553

242 Hillcross Avenue, Morden, Merton, SM4 4ET

- 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 Fatmir Halili against the decision of the Council of the London Borough of Merton.
 - The application Ref is 24/P2580.
 - The development proposed is described as 'Dropped kerb/crossover to front garden of the location on a Classified Road. Permission has been granted by the Highways Department. A hardstanding will be constructed on the front garden in compliance with Permitted Development.'
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Decision

1. The appeal is allowed and planning permission is granted for dropped kerb/crossover to front garden at 242 Hillcross Avenue, Morden, Merton, SM4 4ET in accordance with the terms of the application, Ref 24/P2580, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 3, 4, and the unnamed, unnumbered footway plan, except in respect of the visibility splays shown on the footway plan.
 - 3) Notwithstanding the details shown on the drawings hereby approved, the vehicular access hereby permitted shall not be brought into use until 2 metre x 2 metre pedestrian visibility splays have first been provided either side of the vehicular access. The visibility splays shall be free of any obstruction exceeding 0.6 metres in height and shall be retained as such thereafter.
 - 4) The vehicular gates hereby permitted shall at no time open outwards onto the public highway.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council adopted the Merton Local Plan 2024-2037/38 in November 2024. It has confirmed that the relevant policies for this appeal are D12.1, D12.3, D12.4, T16.1, T16.3, O15.1 and O15.3 and that these replace the policies from the

Merton Core Strategy and Merton Sites and Policies Plan referred to in the reasons for refusal. The appellant has had the opportunity to respond to this change in policy circumstances.

4. In the decision above, I have removed wording that does not refer to acts of development from the description of development.

Main Issues

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

Reasons for the Recommendation

Character and appearance

6. There is a grass verge along the majority of Hillcross Avenue, which is generally narrow and interrupted by crossovers providing vehicular access to driveways and to the rear of dwellings. At various points the verge on both sides of the road widens significantly and is planted with trees, creating an open and spacious feel in these areas. The appeal site is located at the edge of one of these wider areas of verge, but at a point where the verge narrows significantly. Therefore, although the wider sections of grass verge form a positive part of the character of the area, the contribution of the verge in front of the appeal site is limited.
7. The vehicle crossover information pack indicates that loss of verges greater than 2 metres in depth may not be acceptable. The Council suggests that part of the verge is 2.2m deep however it is unclear whether this is measured from the submitted plans or on site. I saw on site that the verge was a slightly different shape to what is shown on the submitted plan, with the depth where the access is proposed being less than the plan suggests in places. The deepest part may be around 2m in depth, but the remainder was significantly narrower. Furthermore, even if a small section is over 2m in depth, the amount of verge to be removed would be a small proportion of the verge as a whole.
8. Although there would be some loss of symmetry with the verge on the other side of the street, only the very end of this section of verge would be removed and the proposed vehicle crossover would appear as an extension of the existing dropped kerb next to the appeal site. Furthermore, the verge of similar depth along Hillcross Avenue has frequent gaps in it, such that the proposed development would not appear out of character for the area. Therefore, the visual impact of the proposal would be limited and would respect the context of the site.
9. The Council has objected to the loss of soft landscaping and introduction of hardstanding compared to a previous application. However, the appeal proposal is for the vehicle crossover and dropped kerb, and the appellant has stated that the removal of soft landscaping and construction of hard standing can be carried out as permitted development. Therefore, the hardsurfacing of the site frontage lies outside the scope of this appeal. Furthermore, there was minimal soft landscaping present on site during my visit, and it has not been demonstrated that either the soft landscaping or grass verge have significant biodiversity value. Therefore, it has not been demonstrated that the appeal proposal would result in a harmful loss of biodiversity, and it would not be reasonable to require the appellant to implement replacement soft landscaping on site as part of this scheme.

10. Consequently, the proposed development would not harm the character and appearance of the area. It therefore accords with Policies D12.1, D12.3 and D12.4 of the Merton Local Plan, in so far as they seek to achieve high-quality design that respects the surroundings of the site. It would not conflict with Policies O15.1, D12.3, D12.4 and O15.3, in so far as they commit to protecting and enhancing the natural environment.

Highway safety

11. The size of the proposed off-street parking space as shown on the drawings submitted is not sufficient for a driver to carry out a turning manoeuvre within the appeal site. This means that vehicles would be required to either reverse in from the road when accessing the site or reverse out onto the road when leaving.
12. The section of Hillcross Avenue outside the appeal site is straight, flat, and has good visibility in both directions. The road has a low speed limit, and I have no evidence before me to suggest that the road is particularly busy. For these reasons, the road is largely uncomplicated for motorists to navigate.
13. Both sides of the road are used for on-street parking, meaning reversing on the street is not uncommon, especially if carrying out a parallel parking manoeuvre. During my visit I observed that even when vehicles are parked on both sides of the road, the carriageway is still sufficiently wide to allow vehicles to pass each other in both directions. There are also numerous driveways serving off-street parking areas, many of which would require a vehicle to reverse on or off the frontage. Consequently, drivers approaching the site from either direction will be used to vehicles manoeuvring within the carriageway and coming in and out of driveways.
14. The submitted plans do not plot the bus stop or bus lane within the visibility splays. However, although the bus lane is located directly next to the appeal site, the bus stop itself is some distance away. In the event that the whole bus lane was occupied by buses, vehicles coming in and out of the proposed access would be no less visible than those using the existing on-street parking space in front of the site, and low traffic speeds would allow other drivers to respond accordingly.
15. Furthermore, the Highway Authority has assessed the proposal, including the sightlines, and has not objected to the scheme on these grounds. There is no substantive evidence before me to suggest that the minimum visibility requirement in criteria A7 of the vehicle crossover information pack could not be met. I am also satisfied that appropriate pedestrian visibility splays can be secured by condition. Therefore, I am satisfied that satisfactory visibility can be achieved to safeguard highway safety.
16. Furthermore, the manoeuvres needed to enter or exit the proposed access would be comparable to those that take place on many other driveways in the area, and for vehicles to use the existing on-street parking space in front of the appeal site, which would be removed under this proposal. Therefore, it has not been demonstrated that the proposal would materially increase conflicting traffic movements on this part of Hillcross Avenue, or that it would affect the free flow of traffic compared with the existing situation.
17. Consequently, the proposed development would not have a detrimental effect on highway safety. It would not therefore conflict with Policies T16.1, T16.3 and D12.3

of the Local Plan in so far as they seek to achieve safe access for all users and to minimise impacts on the transport network.

Conditions

18. In respect of the visibility condition mentioned above, I recommend minor changes to the Council's suggested wording for precision. To provide certainty, I also recommend conditions for commencement and requiring development to be carried out in accordance with the approved plans.
19. The hardsurfaced parking area is not part of this appeal scheme and is to be carried out under permitted development rights, which include conditions to control surface materials and surface water run-off. Therefore, a condition seeking to control such details would not be reasonable or necessary. While the approved plans show that the gates would open inward, this could be changed in future. Gates opening outwards over the footway would create a hazard to highway safety, therefore a condition preventing their opening outwards onto the highway is necessary.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

T Mansfield

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR