
Appeal Decision

Site visit made on 19 September 2016

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 October 2016

Appeal Ref: APP/Q5300/W/16/3154449

186 Nightingale Road, Edmonton, Enfield N9 8PT

- 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 Mr Samuel Opoku against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00661/HOU, dated 10 February 2016, was refused by notice dated 9 May 2016.
 - The development is described as a "Drop Kerb by Enfield Highway to cross over to the property".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on highway safety, free flow of traffic, and availability of kerbside parking.

Reasons

3. The appeal property is a mid-terraced dwelling facing Nightingale Road, a mainly residential street, and is set back from the road behind a modestly proportioned forecourt. The road is long, relatively wide and punctuated by traffic islands. I saw that some forecourts along the road are used for parking, and that also cars park with two wheels on the pavement in marked out bays. Street trees are present along the road, with one large mature example sited close to the appeal property. The proposal is for a dropped kerb to enable vehicles to cross the pavement and use the appeal property's front forecourt for parking.
 4. At my site visit, whilst admittedly only a snapshot in time, I observed a constant and busy flow of traffic, including buses along both sides of the road. As Nightingale Road is a classified road, which the Council consider to be an important route within the Borough's transport network, I have no reason to believe that I observed an unusually high volume of traffic. Indeed I am mindful of the presence of educational facilities along the road, and close to the site, which could further intensify traffic movements at different times of the day.
 5. I saw that the dimensions of the forecourt at the appeal property are of a size that would restrict the ability of cars to manoeuvre. Given the limited size of
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the forecourt cars using it would either have to exit or enter the site in reverse gear. At the time of my site visit, cars were parked tightly up to where the proposed access would be located. This on-street parking would limit the emerging visibility of a car exiting the appeal site in reverse gear, and the manoeuvrability of one entering it. It follows that, due to the busy nature of the road, the restricted visibility of drivers exiting the site would be likely to cause conflicts with other road users and thus cause harmful effects to highway safety. Moreover, cars involved in protracted manoeuvres to enter the appeal site in reverse gear would be likely to increase the intensity of vehicle movements to the detriment of the free flow of traffic along the classified route. Whilst the volume of on-street parking adjacent to the site may change over the course of a day, I saw a mature street tree adjacent to the site, the trunk and dense leaf cover of which would also restrict emerging visibility to a considerable degree when exiting the site and its presence adds to my overriding concerns in this regard.

6. The appeal property is close to the entrance to Nightingale Academy, which is on the same side of Nightingale Road. Whilst this may not be the main entrance to the academy, I note the presence of yellow zigzag lines and "school keep clear" markings, there is also a pedestrian island adjacent to this entrance. Thus, I consider that pedestrian footfall to and from the Academy could be drawn along the pavement adjacent to the appeal property, and the potential for conflicts with pedestrians walking in the vicinity of the proposed crossover would further weigh against the proposed development in the overall planning balance.
7. Whilst I note that there are other highway crossovers in the environs of the appeal property, I have not been supplied with the planning background to these. In any event their presence does not justify granting the appeal in this case, as I have found, on its merits that considerable harm to highway safety would arise as a result of its operation. Moreover, developments of this nature are likely to have cumulative impacts on movement of traffic along the road that could restrict the free flow of traffic and buses to a considerable degree.
8. I am also aware of the appellant's comment that legal parallel parking to access on-street spaces is similar to that of manoeuvres across a highway crossover. However, parallel parked vehicles are much more likely to enter the flow of traffic more comfortably in forward gear without necessitating the excessive manoeuvring into and potentially across the lane of the road that a car exiting a highway crossover would. Thus I consider the effects of the appeal scheme on highway safety would be materially greater than those of cars parked on-street. I acknowledge that a U-turn manoeuvre could have detrimental effects on highway safety and the free flow of traffic, but I am not persuaded that such a manoeuvre would be undertaken to the same frequency as that of a residential highway crossover in day to day use.
9. I note that the appeal property could provide two off-street spaces, which could constitute a more efficient use of space than the one on-street parking space that it would remove. In this regard, I am persuaded that the proposal would not significantly reduce the availability of on-street parking. However, this consideration does not outweigh my overriding concerns with regard to the harmful effects the proposed development would cause to highway safety and the free flow of traffic.

10. I acknowledge the appellant's concerns regarding pavement parking, including the wear and tear on vehicles and the surface itself, the restriction of sightlines, and obstructions that it can cause for wheelchair and pushchair users and pedestrians, in some cases pushing them out into the highway. However, I saw that the pavement adjacent to the appeal site was reasonably wide to facilitate both pavement parking and the movement of pedestrians and wheelchair users. Moreover, the appeal scheme would only lead to a very modest reduction in the demand for on-street parking in the vicinity of the appeal site, and thus would not mitigate some of the other effects that the appellant describes to a material degree. Consequently, the proposed development's limited positive effects in these regards would not outweigh the considerable harm it would cause to highway safety and the free flow of traffic.
11. Whilst I am aware that there may be growing demand for parking at the appeal property, I am also mindful that the property benefits from access to the rear and off-street parking for one car via that access. Thus I am not persuaded that any modest increases in demand for parking emerging in respect of the appeal property would exacerbate pressure on on-street provision to any significant degree.
12. Due to the restricted onsite manoeuvrability provided by the forecourt, the proposed development would cause harmful effects to highway safety from vehicles reversing out and onto the highway. Moreover, such a manoeuvre or reversing from the highway and into the forecourt would undoubtedly conflict with the free flow of traffic and buses on a generally busy classified road. Thus, whilst the proposal would not reduce significantly the availability of on-street parking, the adverse effects it would cause to highway safety and the free flow of traffic mean that in these respects it would conflict with Policy DMD 46 of the *Enfield Development Management Document* (adopted November 2014). It would also be at variance with Policy CP24 of *The Enfield Plan: Core Strategy* (adopted November 2010); the National Planning Policy Framework; and the advice given in *Enfield's Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers)* (adopted April 2013). Taken together, and amongst other things, this policy and guidance seeks to ensure that developments provide safe and suitable site access and do not adversely affect traffic flow and highway safety.
13. I saw that the proposed parking area is covered by hard-standing, and thus the proposal would have a limited effect on the character and appearance of the area. Thus I can discern no conflict with CP30 of the Core Strategy insofar as it seeks to promote attractive neighbourhoods and to reinforce local distinctiveness. However, the proposed development's lack of conflict with this Policy would not outweigh its variance with the other national and local planning policies mentioned above.

Other Matter

14. I note the appellant's frustrations with the planning process leading up to this appeal, however, this is essentially a procedural matter that has not been determinative in my assessment of the planning merits of this case.

Conclusion

15. I conclude that the proposed development would conflict with the relevant policies of the development plan insofar as they have been brought to my

attention. No material considerations would outweigh this conflict. Thus for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

G J Fort

INSPECTOR