
Appeal Decision

Site visit made on 3 October 2016

by **C L Humphrey BA (Hons) DipTP MRTPI**

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

Decision date: 10th October 2016

Appeal Ref: APP/R5510/W/16/3149544

202 Herlwyn Avenue, Ruislip, Middlesex HA4 6HJ

- 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 Chris Ward against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 68335/APP/2015/3811, dated 1 November 2015, was refused by notice dated 11 February 2016.
 - The development proposed was originally described as "A vehicle cross-over. A dropped kerb outside our owned property, which is a maisonette."
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Decision

1. The appeal is allowed and planning permission is granted for a vehicular access at 202 Herlwyn Avenue, Ruislip, Middlesex HA4 6HJ in accordance with the terms of the application, Ref 68335/APP/2015/3811, dated 1 November 2015, 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: Location Plan, Block Plan, Proposal of a Dropped Kerb.

Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, the proposed act of development is the formation of a means of access to the highway. The appeal proposal would therefore more appropriately be described as a vehicular access. This revised description would not prejudice the parties involved, and I have therefore considered the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on pedestrian and highway safety.

Reasons

4. There are a number of vehicular accesses to the front of properties along Herlwyn Avenue, including 200 Herlwyn Avenue adjacent to the appeal site, and many vehicular accesses at regular intervals along Beechwood Avenue.
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5. At the time of my site visit, which took place late morning, I observed very few pedestrian movements along the footway in front of the appeal site. Levels of vehicular traffic along Herlwyn Avenue and Beechwood Avenue were fairly light. The existing residential use of the appeal site is not likely to generate a significant number of vehicle movements, and there is no evidence that the appeal proposal would result in additional trips.
6. Based upon the evidence before me, the potential for conflict between pedestrians and vehicles entering and exiting the site does not appear to be significant. I would expect existing on-street parking to give rise to vehicles manoeuvring on the road in this location, and the appeal proposal is unlikely to significantly add to this.
7. In any event, visibility along Herlwyn Avenue is good and, due to the number and frequency of existing vehicular accesses in the area, pedestrians and other road users would be alert to the possibility of vehicles entering and exiting the appeal site and exercise caution accordingly. Those seeking to manoeuvre in and out of the appeal site would likewise be mindful of pedestrians and other drivers.
8. For the reasons set out above, I therefore conclude that the proposed development would not have an adverse effect on pedestrian and highway safety. As such, the appeal proposal would accord with the highway safety aims of Policy AM7 of the Hillingdon Local Plan: Part Two – Saved Unitary Development Plan Policies and the Supplementary Planning Document Hillingdon Design and Accessibility Statement: Residential Extensions.

Other Matters

9. I note the representations made by the owner of 202A Herlwyn Avenue. I have no evidence that planning permission would negate or override any legal rights relating to access, land ownership or restrictive covenants. The loss of on-street parking would be replaced by parking within the curtilage of the appeal property. Works within the highway to reconfigure the kerb and footway, and precise details of the location, width and alignment of these works, would be controlled by the Highway Authority. The surface material within the curtilage of the appeal property is not a matter before me in this appeal. Accordingly, I can afford these matters limited weight.

Conditions

10. I have imposed a condition specifying the relevant drawings as this provides certainty. The Council has suggested a condition relating to pedestrian visibility splays. However, given the good forward visibility along Herlwyn Avenue and the levels of pedestrian and vehicular movements, I am satisfied that such a condition would be unnecessary in this case.

Conclusion

11. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

C L Humphrey

INSPECTOR