
Appeal Decisions

Site visit made on 18 October 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 4th November 2016

Appeal Ref: APP/L5810/W/16/3154644
68 Shalstone Road, Mortlake SW14 7HR

- 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 Peter Jones (St Pier Ltd) against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/1369/FUL, dated 4 April 2016, was refused by notice dated 7 June 2016.
 - The development proposed is creation of car parking space in rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on highway safety and the free flow of pedestrians in the area.

Reasons

3. No 68 Shalstone Road is a two storey terraced property with accommodation in its roof space, positioned on the corner of Shalstone Road and Clifford Avenue. It has a reasonably sized rear garden which backs onto a narrow area of land which runs between the rear gardens of the properties on Shalstone Road and Lower Richmond Road. This is adopted and maintained as part of the public highway and referred to hereafter as the public footpath.
 4. The proposal would involve the construction of hardsurfacing to provide one parking space and the replacement of a section of the existing fence with a pair of gates which would open into the appeal site.
 5. On my site visit at around mid-morning on a weekday, I observed Clifford Avenue to be very busy, with an almost continuous flow of traffic with vehicles queuing to pass through the traffic lights. I also observed people walking along the public footpath and along the pavement adjacent to the appeal site boundary with Clifford Avenue.
 6. Furthermore, I observed no evidence to suggest that the public footpath to the rear of the appeal site was being used by motorised vehicles. Whilst, I noted dropped kerbs are already in place, I am told that these are in place to assist with refuse collection and I find no reason to question this.
 7. I acknowledge the plans show that a vehicle would be able to turn by reversing into the public footpath and therefore a vehicle would be able to enter and
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leave the proposed parking space in a forward gear. However, the public footpath is narrow and this manoeuvre would be undertaken in an extremely tight space.

8. In my view, many vehicles would be too large to undertake this manoeuvre efficiently and those that could would restrict the ability for pedestrians to pass by. Furthermore, given the levels of traffic on Clifford Avenue, it would be likely that a vehicle would need to wait for a significant period of time to access the road network particularly if attempting to turn right.
9. Furthermore, the visibility of a driver leaving the proposed space is restricted by a brick wall, a telegraph pole and the appeal site boundary fencing, such that there would be a high risk of a collision with pedestrians passing by the appeal site on Clifford Avenue.
10. Thus for these reasons, I find the proposed development would restrict the free flow of pedestrians and increase the risk of pedestrian and vehicle collisions in the area which would be harmful to highway safety.
11. The proposed development is therefore contrary to the good design and highway safety aims of the development plan, The London Borough of Richmond upon Thames Local Plan Supplementary Planning Document House Extensions and External Alterations (2015), The London Borough of Richmond upon Thames Local Plan Supplementary Planning Document Front Garden and Other Off-street Parking Standards (2006) and the National Planning Policy Framework (the Framework).
12. It would specifically conflict with paragraph 32 of the Framework, Policy CP7 of the London Borough of Richmond upon Thames Local Development Framework Core Strategy (2009) and Policies DM DC 1, DM TP 2 and DM TP 8 of the London Borough of Richmond upon Thames Local Development Framework Development Management Plan (2011) which, taken together seek to ensure good design, a sustainable transport network and highway safety.

Conclusion

13. For the reasons set out above and with regard to any other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR