

Appeal Decision

Site visit made on 1 November 2016

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 25th November 2016

Appeal Ref: APP/A5270/D/16/3157132

356 Windmill Road, Ealing W5 4UR

- 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 Mrs Claire Russell against the decision of the Council of the London Borough of Ealing.
 - The application Ref 161760HH, dated 23 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is formation of vehicle crossover to provide access to classified road.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on highway and pedestrian safety.

Reasons

3. The appeal property is a terraced dwelling located on Windmill Road. The property has an existing hard surface to the front. It is proposed to provide a 2.4m wide vehicle crossover to the footpath to allow the hard surface to be used for off-street car parking.
 4. The proposal would prevent on-street parking to the front which would in turn improve visibility for vehicles entering and exiting the properties either side. I also note that the property is some distance from pedestrian crossings and junctions.
 5. Nevertheless, access would be taken from Windmill Road which is classified as a local distributor road. The Council's SPD 8 Crossovers and Parking in Front Gardens 2006 states that front gardens which are proposed to accommodate a vehicle with access from a classified road should be a minimum of 10m x 8m to allow a vehicle to enter, manoeuvre safely and exit in forward gear. The proposed parking area would measure around 5.2m in depth and 3.75m in width. The proposal would therefore fall below the minimum standards set out in the SPD. As a result, it would not provide sufficient space to enable vehicles to enter or exit in forward gear.
 6. Vehicles would be required to either stop on the highway and reverse into the site or reverse out of the site onto the highway. The Council's evidence suggests that the road carries substantial volumes of traffic. In the absence of
-

any contradictory evidence, I see no reason to disagree. Indeed, at the time of my site visit the road carried a steady flow of traffic. Whilst I appreciate my observations were only a snapshot at a particular time of day, I have no evidence to suggest they were not representative of regular traffic flows.

7. Moreover, a large tree within the footpath restricts visibility of oncoming traffic to the left of the crossing, whilst parked cars on the highway restrict visibility to the right. These obstructions would also reduce the visibility of cars exiting the site for drivers using the highway. Consequently, the likelihood of vehicles entering or exiting the site in reverse gear would have a significant effect on the efficient operation of the highway network, with consequent risks to highway safety.
8. I note the Council's concerns regarding the effect of the proposal on pedestrians using the footpath to the front of the property. However, the path is relatively straight and wide. Moreover, vehicles exiting the site would be at relatively low speed, as would pedestrians. To that end, I am satisfied that pedestrians would not be unduly affected by vehicles entering or exiting the site in reverse gear.
9. I conclude, therefore, that whilst the proposal would not have a harmful effect on pedestrian safety, it would have a severe effect on highway safety. That is the prevailing consideration. As a result, the proposal would conflict with Policy 6.3 of the London Plan¹ which states that development should not adversely affect safety on the transport network and Section 4 of the National Planning Policy Framework (the Framework) which states that decisions should ensure that safe and suitable access can be achieved for all people.

Other Matters

10. I note that Pickering House opposite has an entrance adjacent to a pedestrian crossing. I also note that several properties on Windmill Road have dropped kerbs with active driveways. However, I am not aware of the circumstances of those cases or the policies which applied at the time. In any event, I have considered the appeal proposal on its own merits and the examples cited by the appellant would not outweigh the harm I have identified.
11. The appellant indicates that the provision of a dedicated car parking space would negate the need for residents to drive along Windmill Road in order to find a car parking space and that, as a result, this would reduce emission levels. However, I have been provided with no substantive evidence that this would make any material reduction in emission levels in line with paragraph 30 of the Framework. I therefore afford this matter only limited weight.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

¹ The London Plan The Spatial Development Strategy for London Consolidated with Alterations Since 2011, 2016