
Appeal Decision

Site visit made on 8 November 2016

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 30 November 2016

Appeal Ref: APP/Q5300/D/16/3161620
329 Church Street, London N9 9HY

- 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 Panayiota Michael against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/02012/HOU, dated 5 May 2016, was refused by notice dated 10 August 2016.
 - The development proposed is construction of vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for construction of vehicle access at 329 Church Street, London N9 9HY in accordance with the terms of the application, Ref 16/02012/HOU, dated 5 May 2016, and the plan submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Preliminary Matter

2. Whilst the description of the development given on the planning application form is 'dropping of a kerb for a vehicle crossover', the description used in the heading and formal decision above is taken from the Council's decision notice, as it more accurately reflects the nature of the development proposed.

Main Issue

3. The main issue in this appeal is the effect of the proposal on highway safety and the convenience of other road users.

Reasons

4. The appeal site is located in a part of Church Street that is characterised by rows of two-storey houses set back from and fronting the road. Whilst many of the houses in the vicinity of the site are detached or semi-detached, the appeal dwelling forms part of a short terrace of six properties. Although the immediate area is predominantly residential in character, a sizeable school complex exists close to the site, separated from the appeal terrace by Little Bury Street.
 5. The front garden of the appeal dwelling abuts the footway and, in common with many neighbouring properties, is hard surfaced. Bollards exist within the footway adjacent to the site, which prevent vehicular access to the site from
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the road. However, although similar arrangements are in place in some other locations along the street, from my observations, most of the houses to both sides of this part of Church Street incorporate individual vehicular access and off-street parking provision to their site frontage.

6. The road adjacent to the site is classified and, at the time of my visit, appeared fairly busy, with a relatively high level of vehicle movement and a range of different types of vehicles using the road, including buses. Whilst some on-street parking existed, this was limited, although I recognise that the extent of this parking and the use of the road may be different at other times. Footways exist to both sides of the road and the carriageway is relatively wide, with a central hatched area providing some separation between the lanes of traffic and enabling the overtaking of parked vehicles to occur without interruption of the traffic flow.
7. The proposal would result in vehicle movements on and off the site, which would introduce additional slowing, stopping and turning movements within the highway and have some potential to interrupt the flow of traffic on the main road. However, the area of hardstanding to the site frontage of the site is modest in size, which would limit the number of vehicles able to be accommodated. Furthermore, in my experience, the number of vehicle movements reasonably likely to be associated with a single dwelling would generally be relatively limited and there is nothing in the evidence before me to indicate that this would be materially different in the particular case of the appeal proposal.
8. The Council's *Enfield Development Management Document 2014* Policy DMD46 seeks to resist the creation of new accesses to busy classified roads. Whilst I see no reason to disagree in principle with the provisions of this policy, having regard to the specific circumstances of this case, in particular the number of existing individual access points along this part of the road, I am not satisfied that the evidence before me adequately demonstrates that the appeal proposal would have a materially significant effect on traffic movement.
9. Furthermore, whilst the proposal would not include provision for a turning area, this situation would not be materially at odds with other access arrangements nearby and, within an urban environment such as this, it is not unreasonable to consider that drivers and pedestrians would be very likely to exercise a degree of caution in their use of the highway network. In addition, taking into account the configuration of the highway and nearby boundary treatments, it appears to me that a reasonable level of visibility would be achievable, both for users of the proposed access and other users of the highway, including pedestrians, which would further reduce the likely level of risk associated with the proposal.
10. Accordingly, considered overall, I conclude that the proposal would not be unacceptably harmful to highway safety or result in significant inconvenience to other users of the highway, including pedestrians. As such, for the above reasons, whilst the proposal would not accord with Policy DMD46, in this particular case, it would not materially prejudice the *Enfield Plan Core Strategy 2010* Policy 24, where it seeks to improve safety, reduce congestion and provide additional capacity within the road network. It would also meet the aims of paragraph 32 of the National Planning Policy Framework, to provide a safe and suitable access and only prevent development on transport grounds where the residual cumulative impacts would be severe.

Other matters

11. The Council's officer report considers that the proposal would have an acceptable impact on the character and appearance of the area, including in relation to trees, and would not be detrimental to the living conditions of neighbouring occupiers. There is nothing before me that would lead me to disagree with this assessment.
12. I understand that a garage exists to the rear of the dwelling, accessed from Little Bury Street, and concerns have been expressed about the need for the proposal in light of this existing provision. However, I have found that the impact of the proposal would be acceptable and the existence of alternative off-street parking does not lead me to alter this view. Furthermore, given my findings above, it is not necessary for me to consider the personal circumstances of the appellant further.

Conditions and conclusion

13. I have considered the Council's suggested conditions in the light of the Planning Practice Guidance. Although the Council has suggested that it is necessary that the development is carried out in accordance with the approved plans, the submitted plan only identifies the site and does not provide details of the proposed works. As a result, whilst not suggested by the Council, I have considered whether a condition controlling these details would be necessary. Taking into account the existing site conditions, it appears to me that the works necessary to provide an access to the site would take place within the highway and, therefore, would be under the separate control of the highway authority. Consequently, I concur with the Council that such a condition would not be necessary in this case.
14. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Napier

INSPECTOR