
Appeal Decision

Site visit made on 4 January 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 20th January 2017

Appeal Ref: APP/A5270/D/16/3164038

163 Horsenden Lane South, Perivale, Middx, UB6 7NR

- 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 Swaran Rayatt against the decision of the Council of the London Borough of Ealing.
 - The application Ref P/2016/0142, dated 30 December 2015, was refused by notice dated 22 July 2016.
 - The development proposed is the formation of vehicular access onto Sunley Gardens; alteration to boundary treatment and installation of entrance gate.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of vehicular access onto Sunley Gardens; alteration to boundary treatment and installation of entrance gate at 163 Horsenden Lane South, Perivale, Middx, UB6 7NR in accordance with the terms of the application, Ref P/2016/0142, dated 30 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Proposed layout at Scale 1:100; Proposed front and side elevations (View AA and View BB).
 - 3) The gates hereby approved shall only open inward within the appeal site, and shall not open out over the highway verge, and shall be maintained as such at all times.

Main Issue

2. The main issue is the effect of the proposed development on the safe and efficient operation of the highway network in the vicinity of the appeal site.

Reasons

3. The appeal site is located on the corner of Horsenden Lane South and Sunley Gardens. Horsenden Lane South is the busier of the two roads, with Sunley Gardens leading into a cul-de-sac residential area. The proposal seeks the construction of a crossover into the property from Sunley Gardens, with the associated construction of car parking space in the existing front garden, and the alteration of the low enclosing wall to enable the installation of gates.

4. The proposed location of the crossover is close to the intersection of the two roads, with a dropped kerb required across the existing radial connection. As such, the crossover would be within a few metres of the carriageway of Horsenden Lane South. The appellant has drawn my attention to a nearby property containing an existing crossover and dropped kerb, at 139 Horsenden Lane South, which has a similar radial kerb corner location near Horsenden Lane South, also accessed from a side road. Having viewed both the appeal site and No. 139, I consider that the highway conditions affecting both sites are similar in nature.
5. The council has advised that the proposal would have an undesirable impact on highway safety, but did not provide policy-based reasons its refusal of planning permission. The *National Planning Policy Framework* (the Framework) states that developments should be designed to create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians (paragraph 35). The Council has referred to adopted policies within its evidence, and these are consistent with the objectives of the Framework.
6. Although the proposed location of the crossover is close to an intersection, there is sufficient space on Sunley Gardens for a vehicle waiting to turn into the crossover, and avoid delaying or conflicting with vehicles using Horsenden Lane South. There would also be space on the verge crossover for vehicles to wait whilst the proposed gates were opened. Although there is on-street parking on Sunley Gardens close to the proposed crossover location, there would still be sufficient visibility to enable drivers of oncoming vehicles to have an unobstructed view of vehicles using or waiting to turn into the crossover. Furthermore, the low garden wall would enable pedestrians to have a clear view of vehicles on the crossover, and vice versa. Taking all of these factors into account, I consider that the proposal would not result in conditions that would be harmful to the safety of highway users. I am not aware of any safety concerns over the existing similar crossover at No. 139, and as such, the creation of a crossover close to the intersection is appropriate in this instance.
7. The proposed wall and gate works would be appropriate and match the style of the existing wall. They would preserve the character and appearance of the existing property.
8. I therefore conclude that the proposed development would not have a harmful effect on the safe and efficient operation of highway network in the vicinity of the appeal site. The proposal would not conflict with the objectives of the Framework, or the policies of the Council's adopted development plan, for the reasons that I have set out above.

Conclusion

9. For the reasons set out above, and having considered all other matters, I allow the appeal.
10. The Council has provided a list of standard conditions which I have assessed with regard to the tests set out in the Planning Practice Guidance. I consider these to be appropriate to ensure that the development is carried out as proposed and in the interests of proper planning, to ensure that the overall character and appearance of the area is maintained, and that there would be

no harm to the safety of highway users. I have also set a condition for the proposed gates to open into the property, rather than along the verge, to ensure that safe highway conditions would be preserved.

G Rollings

INSPECTOR