

Appeal Decision

Site visit made on 18 January 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 31st January 2017

Appeal Ref: APP/Q5300/W/16/3160511
188 Bury Street, Edmonton, Enfield N9 9LQ

- 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 Seher Toguz against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00694/HOU, dated 17 February 2016, was refused by notice dated 18 July 2016.
 - The development proposed is driveway in front of semi-detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal as described on the application form is set out above. As shown in the submitted evidence the proposal includes the creation of a vehicle access/crossover to the highway. A hard standing has already been constructed at the appeal site.

Main Issue

3. The main issue for this appeal is the effect of the construction of a vehicle crossover to enable use of the hardstanding for parking of vehicles on the safety and convenience of other road users.

Reasons

4. The appeal site as edged red on the submitted plan is part of the front garden area of No 188 Bury Street, an end property of a row of six terraced houses. It is separated from No 186 Bury Street by a grassed passageway. Bury Street is identified as a classified road by the Council and is a bus route with a good public transport rating. It is subject to a 30 miles per hour speed limit. Directly opposite No 188 is the junction of Lawn Close and Bury Street.
 5. The appeal property has an open frontage and hardstanding on its forecourt. The proposal would provide a 4.8m wide vehicular crossing to facilitate parking on that hardstanding. The appellant states that the driveway existed when the property was purchased although there is currently no dropped kerb. At the time of my visit there was one vehicle parked on the hardstanding.
 6. Policy DMD 46 of the Enfield Development Management Document 2014 (the DMD) sets out criteria for crossovers onto a classified road and is supported by the more detailed guidance in the Revised Technical Standards for Footway Crossovers April 2013 (the RTS). These documents together emphasis the
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- need to ensure the free and safe flow of traffic on the highway network particularly on classified roads.
7. Although the appellant wishes to provide a safe place to park, the limited size of the hardstanding would not allow vehicles to be easily turned around. This would result in either reversing into the appeal site or reversing onto the highway across the pedestrian footpath in conflict with the requirements of Policy DMD 46f of the DMD.
 8. During my site visit, which was outside rush hour, I observed significant levels of traffic, including single storey buses, travelling in both directions along Bury Street. Whilst the proposal would not contribute significantly to traffic flow congestion, I was able to see that traffic was travelling quickly despite the presence of traffic calming measures. Although the carriageway is not particularly narrow near the appeal site, I observed signposts/white lines indicating that the Council accepts parking partly on the footway without which passing traffic would be likely to be more impeded.
 9. The inability to enter and leave the appeal site in forward gear could hinder the free flow of traffic and adversely affect the safety and convenience of other road users. The potential for conflict between vehicles entering and exiting the appeal site and those travelling along the highway is exacerbated as there are also vehicle turning movements associated with the Lawn Close junction directly opposite the proposed vehicle crossover. Moreover, the appeal site is located on the inside radius of an almost 90 degree curve in the carriageway and there is a close boarded fence up to the back edge of the footway. This means visibility along the footway, particularly when reversing a vehicle from the site, is impeded. The relatively poor visibility could endanger pedestrians on the footway whether or not the footfall is particularly high outside of peak travel times.
 10. The formation of a crossover would also lead to a loss of on street parking. However, this would be offset to some extent by the reduced on street requirement for parking by occupiers of the appeal property and I consider this alone would not significantly contravene Policy DMD 46c or be a sufficient justification for resisting the proposal.
 11. The appeal site contains a large garage at the bottom of the garden accessed via Harrow Drive/Darley Road and which could satisfy Policy DMD 46g as alternative safe parking provision. Although the appellant chooses to use this for purposes other than the parking of vehicles, which may also be the case at other nearby properties, this is a matter of personal choice.
 12. There would be no loss of street trees and the hardstanding is deep enough to ensure vehicles could be parked without overhanging the footway. The Council has raised no objections in relation to the appearance of the character of the area or streetscape as a result of the creation of the hardstanding. From my observations during my site visit I find no reason to disagree and I find no conflict with the requirements of Policy DMD 46a, b and h.
 13. However, for the reasons set out above I conclude that the proposal, as it would not provide for vehicles to enter and leave the appeal property in forward gear, would have an adverse impact on the safety and convenience of other road users. It would therefore be contrary to Policy DMD 46d, e and f of the DMD, and Core Policies 25 and 30 of the Enfield Core Strategy 2010 (the

CS) which seek to prevent vehicle crossovers and dropped kerbs where, amongst other matters, it would adversely impact on the free flow and safety of traffic. The proposal would also be contrary to the RTS as the proposed vehicle crossover would be directly opposite a junction, and to the principles of Paragraph 32 of the National Planning Policy Framework, which seek, amongst other matters, safe and suitable access.

Other matters

14. I recognise that there would be some benefits to the appellant and family, including a young child, of being able to park two vehicles on the property to enable safe and easy access to the house. I also note that the appellant's father holds a Blue Badge to facilitate more convenient parking but there may be other ways in which such parking needs could be met. I have also taken account of the pattern of use of vehicles at the property at present although these may change over time. Accordingly whilst I acknowledge these personal considerations they do not lead me to any different conclusion.
15. The appellant has referred me to many examples of drives/vehicle crossovers along Bury Street. I do not have full details of the planning history relating to all these properties but the Council indicates that some crossovers are historic or illegal; advises that planning permission has been refused at a number of nearby properties and some appeals have been dismissed. During my site visit I observed that some of the hard standings are of some age and some properties had vehicles parked within them without the benefit of vehicle crossovers. On this basis I see no reason to disagree with the Council in these respects whether or not many planning appeals have been submitted.
16. I acknowledge that there are a number of properties nearby where the vehicle crossovers would be unlikely to meet the current policy requirements. However, each application and appeal must be considered on its own merits and the presence of other vehicle crossovers that do not meet current safety standards, or whether or not accidents have occurred or been reported, are not sufficient justification to grant permission for an unsatisfactory vehicle crossover at the appeal site.
17. The appellant proposed as part of the appeal that the fence at the side of the property could be removed to expand the driveway onto the adjacent passage way. This has occurred at No 236 Bury Street. However, the passage way to the side of the appeal property is narrower than that to the side of No 236 and no plans have been submitted to demonstrate how two vehicles could park and enter/leave No 188 without reversing onto the highway or to show a visibility splay in relation to the footway. Accordingly I can give this matter little weight in my consideration of the appeal.
18. The appellant has set out the difficulties encountered in making the application to the Council, the administrative problems that occurred and the delay that resulted. However, these matters are not pertinent to the material planning considerations relating to the appeal proposal which I have considered on its own merits.

Conclusion

19. In not meeting all of the requirements of Policy DMD 46 or the Policies 24 and 30 of the CS the proposal cannot be in accordance with the development plan

taken as a whole. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should not succeed.

SDHarley

INSPECTOR