
Appeal Decision

Site visit made on 7 February 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/F5540/D/16/3165192

233 Martindale Road, Hounslow, West Middlesex TW4 7HF

- 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 Miss Ruskana Rohin against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00745/233/P3, dated 21 June 2016, was refused by notice dated 23 September 2016.
 - The development proposed is described as *"access for a dropped kerb to park the car outside the house as I have a disabled person living with me"*.
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Decision

1. The appeal is allowed and planning permission is granted for access for a dropped kerb at 233 Martindale Road, Hounslow, West Middlesex TW4 7HF in accordance with the terms of the application, Ref 00745/233/P3, dated 21 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: unreferenced plan date stamped 22 June 2016, highways plan date stamped 13 July 2016, location plan date stamped 29 July 2016.
 - 3) Notwithstanding the generality of condition 2 above, the access hereby approved shall not be brought into use until a detailed layout plan showing the parking area has been submitted to and approved in writing by the Local Planning Authority and the parking area has been constructed in accordance with the approved details. Thereafter, the parking area shall be retained in accordance with the approved details.
 - 4) The access hereby approved shall not be brought into use until visibility splays measuring 2.4 metres by 2.4 metres have been provided on either side, with no wall or other obstruction to visibility above 0.6 metres in height retained within the areas of the visibility splays, in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, the visibility splays shall be retained free from any obstruction above 0.6 metres in height in accordance with the approved details.
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Procedural Matter

2. The description of the proposed development in the banner heading is taken from the application form. I have used a more concise version in my formal decision to accurately reflect the development applied for.

Main Issue

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

Reasons

4. The appeal property is an end of terrace dwelling situated on a residential street. Following formation of a vehicular access over the pedestrian footway and removal of part of the front boundary wall, a vehicle parking area would be formed in the front garden.
5. There is a pedestrian crossing with a central refuge on the street outside of the property. During my visit, I observed that the street was well used by vehicular traffic, including a frequent bus service which stops nearby.
6. The proximity of the pedestrian refuge would have the effect of reducing the amount of carriageway available for vehicles to manoeuvre to either access or exit the property. However, the main part of the refuge is not directly in front of the proposed access. Also, the refuge does not significantly reduce the width of the carriageway to make it especially narrow for vehicles in the vicinity of the property.
7. There is a 20 mph speed limit on the street and a speed hump before the pedestrian crossing. Drivers approaching the crossing will be aware of the possibility of encountering pedestrians. Drivers and pedestrians will also be aware of the potential for vehicles to enter or leave the street from several existing residential accesses. Higher traffic levels during peak periods and when buses are using the nearby stop will further reduce vehicle speeds along the street. Therefore, vehicles will mostly be approaching the property slowly with drivers exercising caution, whilst most pedestrians would already be alert to the potential for vehicles cross the footway at a number of points.
8. At the likely limited vehicle speeds on the street, even a larger private vehicle would therefore be much more able to turn at the required angle in order to access the property in a minimum number of movements without needing to drive over sections of the pedestrian footway. Consequently, pedestrians using the footway are likely to have a reasonable amount of advance warning in terms of vehicles intending to pull off the street onto the property.
9. Pedestrians approaching the property on the footway and/or using the crossing would also be able to view a vehicle parked at the property at a reasonable distance. Drivers exiting the property would be likely to be cautiously edging out into the street. Pedestrians would therefore have a good advanced warning of any vehicle exiting the property and of any vehicle which happened to reverse in the direction of the crossing. Having regard to the likely limited traffic speeds involved, it would also not be unreasonable to assume that approaching drivers would have a good advance warning of vehicles exiting the property.

10. Therefore, the proposal would not be dissimilar in terms of the sum of its effects to the existing residential accesses elsewhere on the street, including some close to the property which I understand were granted planning permission by the Council in the recent past. No firm evidence has been provided to suggest that the street has a poor record in terms of the safety of highway users in the vicinity of the property.
11. For all the above reasons, I find that the proposal would not cause unacceptable harm to the safety of highway users. Consequently, the proposal would accord with Policy EC2 of the adopted Hounslow Local Plan, as it would not have an adverse impact on the transport network.

Conditions

12. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty. I have also imposed a condition requiring the prior approval of the layout of the parking area and its retention, in the interests of the safety of highway users. For the same reason, I have also imposed a condition requiring the provision and retention of visibility splays either side of the access.
13. Where required, I have undertaken minor revisions to the conditions suggested by the Council to ensure that they meet the tests in paragraph 206 of the National Planning Policy Framework. However, I have not imposed the Council's suggested condition 2. The suggested condition would not pass the test of reasonableness as it would effectively take away the benefit of the planning permission. Moreover, as there is no requirement to comply with the details approved pursuant to the condition, it would not pass the test of enforceability.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR