
Appeal Decision

Site visit made on 21 February 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 27 February 2017

Appeal Ref: APP/L5810/D/17/3166845
681 Hanworth Road, Whitton TW4 5PS

- 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 Ms Priya Muthusamy against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/2392/HOT, dated 15 June 2016, was refused by notice dated 2 November 2016.
 - The development proposed is creation of dropped kerb to provide access to off street parking.
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Decision

1. The appeal is allowed and planning permission is granted for creation of dropped kerb to provide access to off street parking at 681 Hanworth Road, Whitton TW4 5PS in accordance with the terms of the application, Ref 16/2392/HOT, dated 15 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: Site Location Plan; TPP20160528-01; and TPP20160528-02.

Procedural matter

2. Whilst Mr Madan Kumar is named as the applicant on the application form, the appeal has been made by Ms Priya Muthusamy on his behalf.

Main issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The appeal property is located on the north-western side of Hanworth Road. Hanworth Road is identified as a 'C' Classified Road within the London Borough of Richmond upon Thames Front Gardens and Other Off Street Parking Standards Supplementary Planning Document 2006 (SPD).
 5. The guidance of the SPD recommends that in respect of classified roads, a vehicle crossover to a front garden will only normally be approved if it can be demonstrated that a vehicle can enter and leave the site in a forward gear. This is because classified roads are heavily trafficked, support cycle and bus routes and are also prone to heavy pedestrian traffic. The SPD advises that
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turning on site will avoid vehicles being reversed onto these busy roads, which can create a road safety hazard. The proposal does not provide turning space so would result in a vehicle having to reverse onto Hanworth Road. As such, it would conflict with the advice of the SPD.

6. I observed that many properties along this side of Hanworth Road have vehicle crossovers to driveways where cars would have to reverse into the road to exit these properties. Whilst I accept that these existing vehicular crossovers should not set a precedent and that each case should be considered on its own merits, it seems to me that this type of vehicle manoeuvre is therefore likely to be the norm rather than the exception along this side of Hanworth Road. Moreover, the Council has provided no substantive evidence to demonstrate that these existing vehicles crossovers do not benefit from planning permission. Furthermore, there is no substantive evidence before me to demonstrate that such vehicle manoeuvres have resulted in any accidents involving other cars, bicycles or pedestrians along this part of Hanworth Road.
7. The Council also raises a concern in respect of sight lines but does not substantially expand upon this concern. However, I observed that the appeal property has low boundary walls around its front garden and little perimeter vegetation. As such, any driver would be likely to have a good level of visibility along Hanworth Road when reversing out of the driveway.
8. Consequently, whilst there would be some conflict with the advice of the SPD, I do not consider that the Council has demonstrated, with any compelling evidence, that one additional vehicular crossover and any associated vehicular manoeuvres onto Hanworth Road would be bound to have a harmful effect on highway safety. In addition, it is unclear whether the SPD has been formally adopted. It was also produced to support the policies of a previous development plan for the Borough. As such, I afford only limited weight to the SPD.
9. Thus, I consider that the proposal would not result in any material harm to highway safety. It would therefore comply with Policy DM TP 9- Forecourt Parking, of the London Borough of Richmond upon Thames Development Management Plan 2011. This policy seeks, amongst other things, to discourage the parking of vehicles in front gardens where this would create a road or pedestrian safety problem. The proposal would also comply with the aims and objectives of the National Planning Policy Framework which set out that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

Conditions

10. I have had regard to the planning conditions suggested by the Council. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary as this provides certainty.

Conclusion

11. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson INSPECTOR