

Appeal Decision

Site visit made on 13 February 2017

by Ray Wright BA(Hons) DipTP MRTPI

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

Decision date: 03 March 2017

Appeal Ref: APP/Q5300/D/16/3165181
63B Chase Side, Enfield EN2 6NQ

- 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 Matt Jackson against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/01471/HOU was refused by notice dated 23 September 2016.
 - The development proposed is 'provide off street parking in the front garden, including removal of part of front boundary wall, installation of drop kerb and provision of two wheel tracks in grassed area. Plant two new trees to front boundary wall.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are whether the proposed development would preserve or enhance the character or appearance of the Enfield Town Conservation Area and the effect of the proposed vehicular access on highway safety.

Reasons

3. The appeal property is a two storey semi-detached dwelling with a gabled bay window, within a, primarily, residential area. It has a front garden area with a pedestrian gate and brick wall to the highway frontage.

Conservation Area

4. The property is located within the Enfield Town Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on decision makers to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in Policy 7.8 of the London Plan 2016 (LP), Core Policy 31 of The Enfield Plan Core Strategy 2010 (CS) and Policy DMD 44 of the Development Management Document 2014 (DMD). The National Planning Policy Framework (Framework) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
 5. The Enfield Town Conservation Area Character Appraisal 2015 (CA) confirms Chase Side is within Character Area C which is defined by residential properties
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and open spaces. The appeal property, which the appellant indicates dates from 1959, is identified as a 'neutral' building in the context of the Conservation Area and removal of boundaries, and associated parking, is not identified as a particular problem or a pressure for this part of the Conservation Area.

6. The existing garden consists principally of grass but does have a paved area and hard surface path. The proposal would involve relatively minimal change, with the introduction of two 'wheel tracks' consisting of black granite cobbles. Balanced against this, an area of existing paving would be removed, the path re-laid with alternative more sympathetic materials and some additional planting is proposed. The scheme would involve the removal of the front garden wall. However, this is a low, rendered wall of no identified historic interest or particular design merit. Therefore, this scheme would not result in the removal of any features that contribute positively to the Conservation Area.
7. The other effect from the proposal would be the visual impact of the intermittent physical parking of vehicles on the hardstanding area. However, the appearance would not be dissimilar to some other properties in the immediate vicinity of the site and wider Conservation Area.
8. I conclude that this particular scheme, to the design proposed, would preserve the character and appearance of the Enfield Town Conservation Area. It, therefore, does not conflict with the requirements of the Framework, Policy 7.8 of the LP, Core Policy 31 of the CS or Policy DMD 44 of the DMD.

Highway Safety

9. Policy 6.13 of the LP addresses parking, while Core Policy 24 of the CS indicates, amongst other matters, that the Council will seek to improve road safety. Policy DMD 45 sets out general parking standards and Policy DMD 46 makes reference to crossovers and dropped kerbs. It indicates a new access will only be permitted where certain criteria are met including, where there is no adverse impact on the road safety and there is no adverse impact on the free flow and safety of traffic on the adjoining highway. There is a general requirement that 'vehicles can enter / and exit the crossover in forward gear.'
10. The appeal proposes the creation of a drop kerb access to the front garden parking area. Chase Side has been identified as a classified road, and Policy DMD 46 indicates planning permission for new access onto "A" roads and other busy classified roads will not normally be permitted and I note the objection from 'traffic and transportation' based on this policy.
11. The CA confirms Chase Side as a 'busy through route' and this accords with what I saw on my site visit, where I noted use by larger commercial vehicles and buses. There are 3 junctions with side roads within close proximity of the appeal site. Outside the frontage of the site are zig-zag lines defining the boundaries of a nearby zebra crossing. Residents' parking is provided on the opposite side of Chase Side which causes traffic travelling north to err towards the centre of the road.
12. Due to the width of the garden, the use of the site for parking would require one manoeuvre, whether entering or leaving, to involve the backing of a vehicle either into or out of position. The proposed vehicle entrance to the garden would be relatively narrow. To my mind this, combined with the need to keep

vehicles within the limits of the 'wheel tracks,' to protect the grassed areas, would inevitably increase the time taken for such movements.

13. Taking account of the use and nature of this section of the road, I consider the manoeuvring of vehicles at the appeal site, particularly the required reversing, would hinder other traffic movements. It would unacceptably add to the hazards that currently exist and, as such, the proposed development would compromise the safety of other highway users.
14. I appreciate that the proposal would allow the appellant to park a vehicle within the confines of the front garden providing extra security and peace of mind, and could potentially free up an 'on-street' parking space. Also I note, as highlighted by the appellant, that there are existing accesses to a number of properties in the wider area, and I have taken account of the example given where planning permission has been granted. However, I do not have the full circumstances of these other developments and, in any event, I have considered this proposal based on the specific highway circumstances pertaining at this site and their existence does not justify the acceptance of this additional access.
15. Therefore, I conclude the appeal proposal would unacceptably harm highway safety contrary, in particular, to Policy DMD 46 of the DMD.

Conclusion

16. I have concluded that the scheme would preserve the character and appearance of the Conservation Area. However, this matter does not outweigh or negate my concerns regarding the impact on highway safety. For the reasons given above, I conclude that the appeal should be dismissed.

Ray Wright

INSPECTOR