

Appeal Decision

Site visit made on 7 April 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/Y5420/D/17/3168843

131 Priory Road, Hornsey, London N8 8NA

- 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 Samira Kasbi-Sesay against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2016/3262 was refused by notice dated 28 November 2016.
 - The development proposed is a crossover/dropped kerb.
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Decision

1. The appeal is dismissed.

Procedural matter

2. An interested party states that the plans do not accurately reflect the boundary treatment of the attached property to one side of the site, which is 133 Priory Road, and in relation to the position of the path and front door of the appeal dwelling. Having inspected the site and its surroundings and taken into account all of the evidence before me, I am satisfied that the plans are sufficiently clear to allow a reasonable assessment of the development sought.

Main issue

3. The main issue is the effect of the proposed development on highway safety for users of Priory Road.

Reasons

4. The proposal is to introduce a dropped kerb to provide a vehicle crossover along part of the highway frontage of the appeal property, which is a mid terrace house that faces Priory Road. The new crossover would provide access from the highway to an area for vehicle parking in front of the dwelling. The appellant has confirmed that the frontage boundary treatment of the site, which comprises a low-level wall and some planting, would be removed to facilitate access and improve visibility at the front of No 131.
 5. The modest size of the front garden of No 131 would offer little realistic opportunity for a vehicle to both enter and leave the site using the new crossover in forward gear. In the absence of any firm evidence to the contrary, a motorist using the proposal would, in all likelihood, need to reverse into or out of the site onto the adjacent highway. Such movements, even at slow
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- speed and with reasonable visibility of oncoming road users in one direction, would be far from ideal given the local conditions.
6. Specifically, during the mid-afternoon site visit I saw that the volume of traffic using Priory Road as it passes the site was significant. It would be reasonable to assume that compared to these conditions the level of traffic is likely to be greater at peak times, during the morning and early evening, when people often use cars to commute. Even though the number of vehicle movements using the new crossover would be relatively modest, the appeal scheme would result in motorists slowing down and either turning into or out of a busy road in reverse. Driver visibility would also be restricted to the northwest on exiting the site by vehicles parked parallel to the carriageway and the boundary hedgerow that marks the frontage to No 133. These features would also obscure views of a vehicle reversing out of the site for both road and footway users approaching the appeal dwelling from the northwest.
 7. Some highway users would be aware of the need to be vigilant for vehicles entering and exiting front gardens given the presence of some dropped kerbs and driveways along this section of Priory Road. However, others may not. The considerable width of the footway on either side of the site would provide sufficient space for pedestrians and cyclists to stop a little distance away from a vehicle emerging from the site. Even so, the wide footway in front of the site might also encourage a driver to exit the site quicker than footway users might normally expect, possibly catching some people by surprise. That vehicle movements associated with the new crossover would also be close to a bench in the footway that partly overlaps the site's highway frontage reinforces my opinion that the proposal would pose an unacceptable risk to highway safety.
 8. I observed several examples of properties with dropped kerbs and off-street forecourt parking along Priory Road including the attached property, which is No 129. A number of these existing accesses also rely on vehicles reversing onto or from the highway, including No 129. I am unaware of the detailed circumstances of these arrangements and most of which were far from ideal with regard to highway safety. These examples do not persuade me that the proposal, which would add to highway danger, should therefore be accepted.
 9. Reference is made to the Manual for Streets (MfS), which according to the appellant states that *'parking in visibility splays in built-up-areas is quite common, yet it does not appear to create significant problems in practice'* and also notes that *'where speeds are low, some encroachment may be acceptable'*. In this instance, I saw that Priory Road is a busy highway. It could not reasonably be described as a lightly trafficked residential street, to which MfS is mainly directed. Furthermore, within the main carriageway near to the site is right hand turning lane at the junction with Danvers Road. While the presence of that junction might slow down road users on the immediate approaches, the possibility that vehicles may be changing speed and direction within the main carriageway would make a vehicle turning into or out of the front garden of No 131 hazardous to others.
 10. The appellant asserts that a vehicle changing speed and turning within the highway is not unexpected given the number of vehicle crossovers that serve properties and on-street parking bays along this section of the highway. Reference is also made to the absence of accident records for this part of Priory

Road. These circumstances, even if correct, are insufficient to reach a conclusion that the proposal is, therefore, safe.

11. I also recognise that on-street parking along Priory Road, parallel to the carriageway, might also have implications for highway safety. However, with on-street parking, vehicles would have no need to cross the adjacent footway, as proposed, and drivers would have better visibility of other road users from within the highway than those emerging from the site, particularly in reverse.
12. Overall, I conclude on the main issue that the proposal would have an unacceptable effect on highway safety for the users of Priory Road. Accordingly, it conflicts with Policy UD3 of the Haringey Unitary Development Plan: Saved Policies March 2013 and Policy SP7 of the Haringey's Local Plan Strategic Policies 2013 – 2026. These policies promote road safety and pedestrian movement and require development proposals to demonstrate no significant affect on highway and traffic conditions.
13. Reference is also made to Policy DM33 of the Council's Development Management DPD (Pre Submission version). However, as this document remains in draft form and its policies may change prior to adoption, I attach limited weight to it for the purpose of this appeal.

Conclusion

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

Gary Deane

INSPECTOR