

Appeal Decision

Site visit made on 13th April 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 05 May 2017

Appeal Ref: APP/Q5300/D/17/3168593

33 Wilbury Way, Edmonton, London, N18 1BU.

- 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 Emmanuel De Jesus against the decision of the Council of the London Borough of Enfield.
 - The application Ref: 16/04699/HOU, dated 14 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is vehicle crossover.
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Procedural Matter

1. The description of the development cited in the header above is a more concise description than that in the submitted application form.

Decision

2. The appeal is allowed and planning permission is granted for vehicle crossover at 33 Wilbury Way, Edmonton, London, N18 1BU, in accordance with the terms of the application Ref: 16/04699/HOU, dated 14 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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 entitled 33 Wilbury Way, London N18 1BU 1:1250; Block Plan entitled 33 Wilbury Way, London N18 1BU: 1:200; A4 Drawing annotated: "6 Sketch or Plan".

Main Issues

3. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the safe and free flow of traffic on Wilbury Way and the availability of kerbside parking.

Reasons

4. At my visit, I saw that the front garden of the appeal property had been hard surfaced in brick paviours. The formation of a hard surface is permitted development under Schedule 2 Part 1 Class (F) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and I note the
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description of the development on the planning application form was simply for a vehicle crossover and not hard standing. As such and whatever the outcome of this appeal, it seems probable given the not inconsiderable expense of undertaking this work, that the front garden is unlikely to become soft landscaped in the foreseeable future. I also noted at my visit that many nearby property owners have similarly chosen to hard surface the majority or all of their front garden areas. This being the case, the hard surfaced front garden does not look at all out of place.

5. The question then remains whether its use for parking of cars would be harmful to the character and appearance of the area. However, in a context where many nearby properties utilise their front gardens for parking vehicles, I fail to see how this would appear disharmonious. Moreover, the front garden is larger than many and the parking of vehicles thereon would not appear at all cramped or squeezed in. The Council say that many nearby hard standings do not benefit from planning permission, but the fact remains that they constitute part of the established character of the area and I have no evidence before me to suggest that they are likely to be subject to enforcement action.
6. For these reasons, I conclude in relation to the first main issue that the proposal would integrate comfortably with the prevailing character and appearance of the area. Accordingly, I find no conflict with Core Policy 30 of the Enfield Plan Core Strategy 2010-2025 (2010) (CS) or Policies DMD 46 and DMD 37 of Enfield's Development Management Document (2014) (DMD), which seek to secure high quality design led development, which addresses the impact of parking on front gardens, is appropriate to its context and which has no negative impact on the existing character of the area.
7. In relation to the second main issue, Wilbury Way is a classified road which is also a bus route and the Council say it carries a significant level of traffic. There is a covered bus stop outside the adjoining property No 35 Wilbury Way, as well as one almost opposite on the other side of the road. At present vehicles can park on the kerbside immediately outside the appeal property and I noted several vehicles thus parked at my visit.
8. The front garden is not large enough to facilitate the turning of vehicles and they would thus have to either reverse in or out. However, I do not accept that this would prejudice the safe and free flow of traffic for the following reasons. Firstly, despite the Council's assertion in relation to traffic flows, I found Wilbury Way to be quietly trafficked at the time of my visit. Whilst this was a snapshot in time, at 8.40 am it was at what would normally be regarded as a peak period for traffic flows.
9. Secondly, given the numerous other vehicle access points in the vicinity, drivers are likely to exercise care when traversing this route. The bend in the road to the West of the site and mini roundabout a short distance to the East will also act to constrain vehicle speed. The presence of the bus stops would not in itself lead to vehicular conflict, especially bearing in mind the kerbside parking in front of the appeal site. To the extent the proposal would facilitate off street parking spaces, it could potentially improve the situation slightly, rendering it easier for bus drivers to pull into the kerb side.

10. Thirdly, as the road frontage already accommodates parked cars, I fail to see how drivers negotiating access onto or off the front hard standing to the property would be appreciably different in terms of highway safety and the free flow of traffic than vehicles manoeuvring into position on street. Indeed, given the width of the proposed crossover and generous space available on the front forecourt, it seems to me that manoeuvring into or out of it could in fact be of shorter duration. The pavement is also wide at this point and given the numerous other vehicle crossovers in the vicinity, I also consider pedestrians would exercise care when negotiating the footway. The Council maintain that the use of the crossover would interfere with passengers waiting at the bus stop, but as this is sited outside the adjacent property and I have no evidence that queues are likely to extend in front of the appeal property, I fail to see how this would be the case.
11. Concern is expressed at the loss of publicly available kerbside parking. However, the Council concede that a single crossover is in itself unlikely to have a major impact in this regard and I have no evidence before me to suggest that the locality of the appeal site is an area of high on street parking demand. The lack of local opposition to the proposals also supports this view. Indeed, at my visit I observed several free kerbside spaces in the immediate vicinity.
12. For these reasons, I conclude on the second main issue that the proposal would not prejudice the safe or free flow of traffic along Wilbury Way, nor would it be to the detriment of publicly available kerbside parking. I thus find no conflict with Core Policies 24, 25 and 30 of the CS, the Council's Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers) (2013), or the advice in the National Planning Policy Framework, which amongst other things, seek to improve road safety and reduce congestion. It would not comply with criterion (f) of Policy DMD 46 of the DMD in that it would not facilitate access and egress in a forward gear, but for the reasons given, I consider other material considerations outweigh this limited conflict and the proposal would otherwise comply with criteria (c) and (e) in relation to on street parking demand the safe and free flow of traffic.
13. Other than the standard condition in relation to the time limit for commencement of development, the Council suggest a condition confining the approval to the submitted plans, which is necessary for clarity.

ALISON ROLAND

INSPECTOR