
Appeal Decision

Site visit made on 10 May 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/Q5300/D/17/3171331

4 Kingsfield Drive, Enfield, EN3 6TY

- 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 Mrs Deborah Profilidou-Tseriotis against the decision of the Council of the London Borough of Enfield.
 - The application, Ref 16/04292/HOU, dated 20 September 2016, was refused by notice dated 16 December 2016.
 - The development proposed is a front brick wall.
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Decision

1. The appeal is allowed and planning permission is granted for a front brick wall at 4 Kingsfield Drive, Enfield, EN3 6TY in accordance with the terms of the application, Ref 16/04292/HOU, dated 20 September 2016, subject to the following condition:

This permission relates to the following approved plans: Drawings Nos: 164493/01, 16493/11, 16483/12, 16493/13, 16483/14, & 16483/15.

Main Issue

2. The main issue is whether the retention of the wall, which has already been erected, would threaten highway and pedestrian safety.

Reasons

3. A significant part of the Council's objection appears to relate to a failure to make provision for vehicles to enter and leave the site in forward gear. In fact, the appellant tells me that a boundary wall and pavement crossover serving the site has existed for 25 years. Photographic evidence submitted by the appellant shows the crossover before the site's previous frontage wall was demolished. I do not have any plan of this earlier arrangement but, as far as I can judge from the submitted photographs, the distance between the pillars on either side of the access as it now exists is only marginally less than that which previously existed. I conclude that, as far as manoeuvring vehicles within the site is concerned, the replacement wall has not significantly changed the situation.
4. The other part of the Council's objection is that the 1.5m high pillars flanking the access are above the Council's maximum 1.05m height requirement for unobstructed footway visibility. I assume that the 1.05m criterion is contained in the Council's 'Revised Technical Footway Crossover Standards' cited in the reason for refusal but I have not been provided with a copy of that publication. Since the officer's report refers to a loss of both vehicular and pedestrian

safety, I assume that the Council are concerned about the effects of the pillars' height on vehicular as well as pedestrian safety.

5. Whist I am familiar with the 1.05m criterion in other situations I consider that there are a several local circumstances that reduce the threat to safety in this location. First, the distance between pillars, at around 5m, is unusually wide for a private access, so that emerging vehicles are unlikely to pass close to the pillars. The result is that actual visibility splays are likely to be better than would be the case with a narrower access. Second, because the walls vary in height, reducing to a minimum of one metre within a short distance of the access, the pillars cause less of an obstruction to visibility than would a wall with a continuous 1.5m height. Third, the access is onto a quiet suburban street carrying little traffic. Fourth, the access is adjacent to a 90-degree corner where the road geometry limits the speed of passing vehicles and the limited forward visibility requires both emerging and passing vehicles to be driven with care. Finally, as noted in the officer's report, a number of nearby walls are higher than one metre, some considerable higher, so that drivers and pedestrians will have a general awareness of vehicles emerging from accesses screened by flanking walls.
6. To my mind the considerations in the previous paragraph in no way undermine the general validity of the 1.05m criterion but they constitute valid reasons for relaxing it in relation to this particular site. For this reason, and because I am satisfied that the erection of the replacement wall does not change the manoeuvring arrangements within the site, I conclude that the proposal does not conflict with the objectives of policies DMD 7, 8, 45, 46 & 47 in the Council's Development Management Document, policies 24, 25, 26 & 27 in their Core Strategy and policies 6.3, 6.9, 6.10, 6.12 & 6.13 in the London Plan.

Conditions

7. I have modified the wording of the standard condition specifying the approved plans to reflect the fact that the development has already been carried out. I do not consider it appropriate to impose the suggested condition requiring vehicles to enter and leave the site in forward gear because the evidence before me indicates that the proposal does not significantly change the previous arrangements for manoeuvring within the site.

George Arrowsmith

INSPECTOR