

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/17/3170912

109 Carterhatch Lane, Enfield, EN1 4JZ

- 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 Mohamed Salim Allyjaun against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04812/FUL, dated 21 October 2016, was refused by notice dated 5 January 2017.
 - The development proposed is a new kerb drop.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be detrimental to the free flow of traffic and highway safety.

Reasons

3. The proposal is to form a dropped kerb crossing that would give a direct vehicular access from Carterhatch Lane, a busy classified road and bus route, to a parking space at the front of the appeal site. Policy DMD46 in the Council's Development Management Document says that planning permission for new accesses onto 'A' roads and other busy classified roads will not normally be permitted. It lists criteria which must be met if an access is to be permitted. These include the requirements that there should be no adverse impact on road safety or on the free flow of traffic and that vehicles should be able to enter and exit the crossover in forward gear.
4. There is not enough space to turn a vehicle within the site. Consequently, vehicles using the crossing would have to enter or exit the highway in reverse gear, a movement that is contrary to criterion 'f' in DMD46 and would be detrimental to the free flow of traffic and highway safety. As such the proposal conflicts with the objectives of a policy in the adopted development plan.
5. The appellant puts forward several arguments in favour of the appeal. I will consider these in turn.
6. Carterhatch Lane is straight at this point, which allows relatively good visibility in both directions although this is slightly compromised by the trees on either side of the proposed crossing. Even so, good visibility does not remove the

inconvenience and danger inherent in reversing into or out from a busy traffic stream.

7. The presence of traffic lights to the west of the site might cause breaks in the traffic flow but there is no guarantee that drivers using the crossing will time their movements to coincide with these breaks. Moreover, even when the lights stop west to east traffic they will allow vehicles approaching from the north or south to turn into Carterhatch Lane. The appellant argues that a mini roundabout to the east slows traffic but, at the time of my site visit early on a weekday afternoon, it appeared to have little if any effect on traffic speeds past the site.
8. The number of reversing movements generated by one additional pavement crossing would be small but the consistent application of policy DMD46 prevents the cumulative adverse impact of many additional crossings. Allowing the policy to be breached on this one occasion would make it more difficult to enforce it in future. I am aware that there are other pavement crossings on Carterhatch Lane but I have no evidence that any of these have been permitted since the adoption of policy DMD46.
9. I accept that a pavement crossing would bring convenience benefits for the appellant but these do not outweigh the wider public interest in maintaining highway safety.
10. The Council refer me to an earlier decision dismissing an appeal against a refusal of permission for a pavement crossover at 111 Carterhatch Lane. I have not been provided with a copy of that decision but the dismissal is consistent with my decision in the present appeal.

George Arrowsmith

INSPECTOR