
Appeal Decision

Site visit made on 16 May 2017

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 30 May 2017

Appeal Ref: APP/Q5300/D/17/3173580
108 Park Avenue, Enfield EN1 2BQ

- 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 Paresh Tailor against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05078/FUL, dated 2 November 2016, was refused by notice dated 10 January 2017.
 - The development proposed is a vehicle crossover with a dropped kerb to allow access, creating an opening for a driveway.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposal on highway safety.

Reasons

3. The appeal site contains a mid-terrace dwelling located on the western side of Park Avenue. Proposed is the construction of a vehicular access, including a dropped kerb onto the highway, to allow vehicles to park at the front of the dwelling. A bus stop is located in front of no. 108 with limited on-street parking nearby as the majority of the road is subject to enforced double yellow line restrictions.
 4. The A105 (Park Avenue) is a heavily trafficked, classified road that is part of the Cycle Enfield Scheme. It is also a busy bus route (the Council confirms the W8 route frequents the stop in front of the appeal site every 6 to 10 minutes). I observed that since the appellant's submitted photograph was taken, works have been completed within the verge in front of the appeal site to raise the kerb/pavement to provide a delineated bus stopping area incorporating a dedicated cycle lane which forms part of the Cycle Enfield Scheme.
 5. Policy DMD46 of the adopted Development Management Document (DMD), in respect of access crossovers requires, inter alia, that a vehicle must be able to enter/exit the crossover in forward gear, and there must be no adverse impact on traffic safety on the adjoining highway or on the effective movement of bus services. In my judgement, the proposal would be likely to increase the intensity of vehicle movements onto the highway, compromising highway safety and impinging on the operation of the bus stop.
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6. The dimensions of the proposed hardstanding to the front of the dwelling are such that it is unlikely that vehicles could easily manoeuvre to be able to leave and enter the highway in a forward gear. Vehicles, either on entering or leaving the appeal site, would be required to reverse onto the roadway to the detriment of highway safety. Furthermore, the close proximity to the bus stop and the cycle lane would lead to conflict between the use of the proposed access and the use of these dedicated spaces by buses and cyclists.
7. In this regard, I note the Council's evidence that new crossovers onto classified roads such as Park Avenue are normally resisted to maintain their importance as traffic routes within the Borough and for highway safety purposes, particularly when their cumulative impacts are taken into account. Against this background, I consider that the proposal would compromise highway safety in close proximity to a frequently used bus stop and a dedicated cycle lane, contrary to DMD Policies DMD46 and DMD47, Policies CP24 and CP26 of the adopted Core Strategy and Policies 6.2, 6.3 and 6.13 of the adopted London Plan.
8. I have taken account of the personal circumstances advanced by the appellant with regard to safety and vandalism fears associated with parking on the side streets, managing two young children and shopping between the side street and the dwelling, and the appellant's medical condition which greatly restricts mobility. While I sympathise with the appellant's desire to improve access to his car, I have borne in mind the Council's uncontested evidence that the appeal site benefits from an existing vehicle access at the rear and that the development would remain long after the personal circumstances have ceased to be material. Therefore, this consideration would not outweigh the harm I have identified to highway safety.
9. In addition, it was drawn to my attention that some of the properties along Park Avenue have vehicle crossovers installed. However, the Council confirmed that in the main these were either approved a considerable time ago (pre-dating the adopted Core Strategy and DMD) or provide the opportunity for vehicles to enter and exit in a forward gear (no.104). In any event, their presence would not be justification for a further development that I consider would compromise highway safety.

Conclusion

10. For the reasons given above, and noting the appellant's claim that the proposal would reduce demand for on-street parking, I conclude that the appeal should be dismissed.

Richard McCoy

Inspector