

Appeal Decision

Site visit made on 27 June 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 06 July 2017

Appeal Ref: APP/Q5300/D/17/3174965
114 Park Avenue, Enfield, London, 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 Seyed Niako against the decision of London Borough of Enfield Council.
 - The application Ref 16/05435/HOU, dated 24 November 2016, was refused by notice dated 31 January 2017.
 - The development proposed is creation of a new drop kerb/vehicle crossover to access 114 Park Avenue.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that this is the effect of the proposal on highway safety, on-street parking and the free flow of traffic on Park Avenue.

Reasons

3. The proposal would enable an off-street parking space to be created in the front garden of the appeal property, which is a mid-terrace house.
 4. Policy DMD 46 in the Enfield Development Management Document (2014) concerns vehicle crossovers and dropped kerbs. It says that planning permission for new accesses onto "A" roads and other busy classified roads will not normally be permitted. Park Avenue is an "A" road and, at the midday time of my site visit, was carrying quite busy traffic in both directions. There is thus a development plan policy objection to the proposal in principle which, I am told, has been upheld on appeal in other instances.
 5. However, Policy DMD 46 goes on say that vehicle crossovers and dropped kerbs to allow for off-street parking will be permitted but only where 8 criteria are satisfied. Several of these have been alluded to in the Council's reason for refusal and the officer report.
 6. Criterion c requires that introducing a vehicle crossover should not lead to any increase in on street parking pressures in areas already experiencing high on-street parking demand. There is an on street paved parking bay just outside
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the appeal property. This would have to remain unused if access was not to be obstructed to any parking space within the front garden of no.114. Thus one on street space is likely to be lost to general public use. The parties differ on whether or not this is an area of parking stress. The Council says that it is, but presents no evidence in support. I observed that the on street spaces on the opposite side of the road were quite well used, but not those on the appeal side. There was on street parking along the side roads to the north and south of the appeal site, but spaces were available in both of them. The appellant has provided survey data to show several spaces were available at 0700 hours, 1400 hours and 2000 hours over several days in March and April this year. However, the lack of any map or spatial reference to the area covered limits the weight I can place on this evidence. What is clear is that the one demarcated on street parking space in the immediate vicinity would be lost to public use, thereby increasing pressure in an area where on street parking is common.

7. Criterion d requires there to be no adverse impact on road safety. I connect this to Criterion f, which is that vehicles can enter / and exit the crossover in forward gear. I consider that the garden is not wide enough to allow anything but a very short vehicle to turn around on site. Therefore reversing out of or onto the site is most likely. Visibility towards traffic approaching on the nearside of the road would be obstructed by a mature street tree directly outside the pedestrian entrance into the property, a bus stop and shelter just beyond it, and another tree beyond that. Another tree a little to the north of the site would impede visibility of traffic on the far side of the road, though this would have a less severe impact on highway safety. There is also a marked cycle lane passing between the bus shelter and the carriageway and in front of the appeal site. I consider that a vehicle reversing past these obstructions and hazards, especially out of the site, would be likely to endanger the safety of pedestrians, cyclists and other vehicles.
8. Criterion e is that there should be no adverse impact on the free flow and safety of traffic on the adjoining highway and in particular on the effective movement of bus services. In view of my findings in the previous paragraph, I consider that the proposal would be likely to have an adverse impact on the free flow and safety of traffic near the site, and could prejudice the convenient operation of buses serving the nearby stop.
9. Finally, Criterion g is that it has been shown that there are no alternative opportunities for safe access into the property (for example to the rear or side). There is a gated rear access lane behind the appeal site and other properties in the block, onto which all properties appear to have access. Many have garages. The appellant has not demonstrated that a rear parking opportunity is not available, and thus I consider that this criterion has not been satisfied.
10. There is one other vehicle crossover nearby. However, this is to a corner property on a wider plot, that also has an entrance on the side road and plenty of room on site to turn a vehicle around. The circumstances here would not support the appeal proposal.
11. On this basis I conclude that the proposal would have a materially harmful effect on highway safety, on-street parking and the free flow of traffic on Park

Avenue. It would contravene adopted Policy DMD 46. However, I have not identified any clear conflict with the other more general policies cited by the Council, namely Core Policies 24 & 30 of The Enfield Plan Core Strategy (2010) and Policy 6.13 in the London Plan (2015).

12. Thus planning permission should be withheld and I dismiss the appeal.

G Garnham

INSPECTOR