
Appeal Decision

Site visit made on 11 July 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 3rd August 2017

Appeal Ref: APP/Q5300/W/17/3171568
69 & 71 Old Park Road, Southgate, N13 4RG

- 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 Ryland Ash against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04554/HOU, dated 06 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is described as 'this is an application for permission to create a new vehicle crossover between Number 69 Old Park Road N13 4RG (my property) and Number 71 (freeholder is Mr Lynch). The dropped curb and crossover will allow my wife and I to park a small vehicle on the existing paved area between the properties and to safely transport our children. I have written permission from Mr Lynch to use the paved area for this purpose. The paved area has been established for over 5 years. No modifications are required to either property to accommodate the crossover.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on highway safety, with particular regard to the free flow of traffic, the availability of on-street car parking, and pedestrian access to 71 Old Park Road; and
 - Whether the proposal would preserve or enhance the character or appearance of the Lakes Estate Conservation Area.

Reasons

3. The appeal site comprises two adjacent semi-detached dwellings which are separated by pedestrian passage ways through to their back garden areas. No 69 has a walled front garden and No 71 has an existing area of hardstanding in front of the house which is used for car parking.
 4. The appeal proposal seeks the creation of a vehicle hardstanding and cross over which would straddle the front boundary of the two houses. It would provide a parking space for a vehicle associated with No 69 which currently has no off-street parking.
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Highway safety

5. Policy 46 of Enfield's Development Management Document (DMD) advises that vehicle crossovers and dropped kerbs that allow for off-street parking will only be allowed subject to a number of criteria. These include that there is; no increase in on-street parking pressures in areas already experiencing high on-street parking demand as a result of introducing a vehicular crossover (c); no adverse impact on road safety (d); 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 (e); and that vehicles can enter/exit the crossover in forward gear (g).
6. The supporting text explains that the policy seeks to ensure that proposals do not adversely affect traffic flow and road safety. Hardstanding for vehicles to park on in a front garden ideally should be of a sufficient size which enables a vehicle to enter and leave the site in forward gear where practical. The ability to turn on site will negate the need for vehicles to reverse across a footway and on to busy roads, which can create a road safety hazard. However, it also advises that it if can be demonstrated that a vehicle can safely exit a driveway in reverse gear without detrimentally affecting the flow of traffic, particularly buses, then permission may still be granted.
7. The Council's Revised Technical Standards for Footway Crossovers (April 2013) also acknowledges that it may be acceptable for vehicles to reverse either onto or off the highway. It explains that the acceptability of such a situation is likely to depend on the level of visibility along both the carriageway and the footway, the volume of traffic, the width of the road, the impact on pedestrians and the presence of street furniture. This document also states that a crossover must normally be a minimum of 2.4 metres wide at the back of the footway.
8. The submitted plans show a parking area and proposed crossover that would be 2.4 metres wide and so would meet this minimum. However, it is not clear how this would be achieved. The submitted sketch plan indicates an existing paved parking area between No 69 and No 71 that aligns with the width of the two existing rear pedestrian access paths and is contained within the existing front flank boundary garden walls of the two properties. The paved area and the corresponding area for the crossover are indicated to be 2.4 metres wide.
9. On the other hand, the submitted location and ground floor plan shows the crossover and parking area to be wider than the pedestrian garden accesses. These are also indicated to be 2.4 metres wide but in the position indicated would require the removal of the existing front flank boundary garden walls of both properties. Yet the description of development indicates that no modifications are required to either property.
10. This being so, the plans are contradictory and the precise nature of the proposal is unclear. From my own observations on site, it seems likely to me that to accommodate a car in the area between the two properties, the front flank boundary walls would need to be removed. In the absence of any clear information on this matter, I share the Council's concerns that the area indicated would not be wide enough to accommodate even a small car.
11. Furthermore, it has not been put to me that cars would be able to turn on the site and I have seen nothing to suggest that this would be possible in the space available. As set out above, whilst this does not rule out a crossover, it would

mean that vehicles would need to reverse across the footway on to what the appellant describes as a busy road. This could create a road safety hazard. I have seen no information as to the level of visibility along either the carriageway or the footway, or any indication as to the visibility splays/sight lines that would be provided. Nor have I seen any consideration as to the volume of traffic in Old Park Road or the width of the carriageway there. As such, it has not been demonstrated that a vehicle could safely exit the proposed driveway in reverse gear without detrimentally affecting the free flow of traffic in Old Park Road or having an unsatisfactory effect on pedestrian safety. That there are no reports of accidents related to driveway parking in Old Park Road does not alter my view.

12. Furthermore, the proposal would lead to a reduction in on-street parking. The existing off-street parking space on the hardstanding in front of No 71 would be retained (although I note that that it does not benefit from a formal crossover). The proposal would preclude on-street parking in that part of Old Park Road in front of Nos 69 and 71 which is currently available for unrestricted parking.
13. Demand for on-street parking is already high in Old Park Road. The appellant advises that it is close to the railway station and used for commuter parking. There are a number of existing accesses such as that at No 71 that prevent parking. Of the limited number of spaces that are there, some are restricted (between 11 and 12). The appellant refers to problems parking and at my visit in the middle of the day I also found it difficult to find a space. I can envisage that this situation is worse in the evenings. By getting rid of an on-street parking space, the proposal would exacerbate this existing problem. It would lead to an increase in on-street parking pressures in an area that is already experiencing high on-street parking demand.
14. Additionally, the proposal would lead to a vehicle parking on No 71's frontage close to its front door. Given that the frontage there is already used for parking, there is a possibility that pedestrian access to No 71's front door could be obstructed. In the absence of any accurate plans showing the resultant layout of the frontages, I cannot be content that satisfactory pedestrian access to the front entrance of No 71 would be provided.
15. Taking all these factors into account, I therefore conclude on this main issue that the proposal would be harmful to highway safety, with particular regard to the free flow of traffic, the availability of on-street car parking, and pedestrian access to No 71. This would be contrary to DMD Policy 45 (1) which advises that car parking proposals will be considered against the standards in the London Plan and amongst other things, existing parking pressures in the locality (criterion c). It also states that parking layouts must provide adequate sight lines and meet all manoeuvring requirements (3). Additionally the proposal would conflict with DMD Policy 46 as set out above.

Character and appearance

16. The appeal site is within the Lakes Estate Conservation Area. This covers a dense residential area between Palmers Green and Southgate Green that is characterised by closely spaced Edwardian semi-detached houses with some terraces. The Conservation Area Character Appraisal (CAA) advises that the special architectural and historic character of the area derives primarily from the homogenous, collective value of its high quality Edwardian housing.

17. The appeal properties play an important role in defining the high quality traditional residential character of the area, which is part of the Conservation Area's significance as a heritage asset. The area is subject to an Article 4 (2) Direction which precludes certain permitted development rights and means the appeal proposal needs planning permission.
18. As set out above, I agree with the Council that to provide a crossover and hardstanding in accordance with the Council's standards (including the necessary crossover width and visibility splays) the proposal would require the removal of sections of the existing boundary walls along with some of the vegetation to the front of Nos 69 and 71.
19. The CAA identifies front garden walls as a distinctive feature of the estate, originally almost always constructed of irregularly sized brick rubble. The summary of special interest of the Conservation Area includes the pattern of front gardens throughout the estate with decorative boundary walls and traditional planting contributing to an archetypal suburban landscape. Issues facing the Conservation Area are identified and include; the paving over of front gardens for car parking which is damaging to the character and appearance of the area; and the loss of traditional boundaries and front garden planting which exacerbates the visual impact of existing off-street parking.
20. The appellant appreciates the importance of historical buildings, does not seek to disrupt any existing architectural detailing of the properties and intends to create a parking space in a sympathetic way. He refers to minimal disruption to the front wall, the provision for the reinstatement and replacement of the existing boundary treatments and improvements to the front garden (including the creation of a tiled path). Nevertheless, I have seen no detailed plans to indicate the precise extent of the demolition of the front boundary walls and removal of vegetation that would be required. Nor have I seen any details showing the proposed re-vamping of the front garden areas.
21. In this context, notwithstanding that the front wall at the appeal site has been re-built, I consider that the proposal would lead to the unacceptable loss of traditional garden walls and vegetation at the appeal properties which contribute to the special character and appearance of the Conservation Area.
22. I appreciate that there are many examples of frontage car parking and crossovers in Old Park Road and that the appeal property is one of a minority of properties without frontage parking. That said, I am not aware of the circumstances that led to those developments or whether they have planning permission. In any event, it seems to me that the cumulative loss of front gardens and front garden walls and vegetation over time has had a negative impact on the character of the area. These developments show how unsatisfactory the proposal and its further detrimental cumulative impact would be, and so justify the Council's concern to avoid more of them.
23. For the reasons given, the proposal would therefore fail to be in keeping with, and would detract from the historic character of the area which is of significance to the area's heritage. Paragraph 131 of the National Planning Policy Framework (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the Conservation Area, the harm caused would be material.

24. I therefore conclude on this main issue that the proposal would fail to preserve or enhance the character or appearance of the Lakes Estate Conservation Area, and would therefore adversely affect the significance of this designated heritage assets. This would be contrary to Policy CP30 of The Enfield Plan Core Strategy (Core Strategy) which seeks to achieve a high quality design led development within the public realm and refers to reversing the decline in the loss of greenery, architectural detailing, boundary treatments and addressing the impact of parking on front garden areas. It would conflict with Core Strategy Policy CP31 which seeks to pro-actively preserve and enhance the Borough's heritage assets and to ensure that built development that impacts on heritage assets have regard to their special character and are based on an understanding of their context.
25. The proposal would be at odds with DMD Policy 37 which seeks to achieve high quality and design led development and advises that development that is inappropriate to its context, or which fails to have appropriate regard to its surroundings will be refused (1). It would not align with DMD Policy 44 which states that applications which fail to conserve and enhance the special interest, significance or setting of a heritage asset will be refused. It would fail to support DMD Policy 46 which advises that vehicle crossovers and dropped kerbs that allow for off-street parking will only be allowed subject to a number of criteria, including (a) where there is no negative impact on the existing character of the area and street space as a result of the loss of a front garden or grass verges to hardstanding or loss of front garden walls.
26. It would undermine London Plan Policy 7.4 which concerns local character and requires a high quality design approach that (amongst other things) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area (d) and is informed by the surrounding historic environment. It would also be at odds with London Plan Policy 7.8 which states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail (D).
27. Furthermore, the proposal would not align with the core planning principles of the Framework of preserving the significance of designated heritage assets and securing high quality design.

Other consideration and the planning balance

28. I have found that the proposal would cause harm to the Lakes Estate Conservation Area. Whilst this would be less than substantial (as described at paragraphs 133 and 134 of the Framework), the harm caused would be material. I give considerable importance and weight to the presumption that preservation of these assets and their setting is desirable. It would also be harmful to highway safety, with particular regard to the free flow of traffic, the availability of on-street car parking, and pedestrian access to No 71.
29. I appreciate that the two unrestricted parking spaces in front of the appellant's property are often taken, sometimes for long periods by commuters, and the appellant and his wife are frequently left with nowhere to park nearby. He has two small children and an elderly relative with mobility problems who visits the house. He refers to Old Park Road as a busy cut through with heavy fast moving traffic that is dangerous. He has received parking fines and his car has been damaged and broken into on the street. I acknowledge that there are

benefits to the appellant and his family that would arise from being able to park at the appeal site. However, these public benefits are insufficient to outweigh the harm that would be caused to the significance of the designated heritage asset and highway safety that I have described.

30. The appellant considers his right to a family life is currently being significantly restricted. I have had regard to the requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998, and am aware that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Convention on the Rights of the Child. However, I am mindful that the appellant's individual rights for respect for private and family life (along with the best interests of the children) must be weighed against other factors including the wider public interest and legitimate interests of other individuals.
31. I have found that the proposal would fail to preserve or enhance the character or appearance of the Lakes Estate Conservation Area and would be harmful to highway safety. Thus, I am satisfied that the well-established and legitimate aim of granting planning permission in accordance with the development plan and planning policies which seek to protect heritage assets and ensure highway safety in the wider public interest, can only be adequately safeguarded by the refusal of permission in this instance.
32. Although the appellant cites the presumption in favour of sustainable development at paragraph 14 of the Framework, it has not been put to me that the development plan is absent, silent or out-of-date. I have found that the proposal would be harmful to the significance of a heritage asset and contrary to the development plan. Consequently, I do not consider it would contribute to protecting or enhancing our built and historic environment as required by the environmental role of sustainable development (described at paragraph 7 of the Framework). Consequently, I do not regard the proposal to be sustainable development.

Conclusion

33. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR