



Appeal Decision

Site visit made on 24 July 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 7 August 2017

Appeal Ref: APP/Q5300/D/17/3178507

111 Powys Lane, Southgate, London N13 4HJ

- 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 Dr Joan Costa-Font against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/00547/HOU, dated 31 January 2017, was refused by notice dated 4 April 2017.
 - The development proposed is described as *'building a drop kerb to allow one car enter a gate that allows for parking for at least three cars'*.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The front garden area of the appeal site has already been converted to hardstanding and at the time of my visit a vehicle was parked on it. Whilst the dropped kerb is not in place the area is clearly being used for the parking of vehicles. The development is therefore partially complete.
4. The appeal property, a semi-detached dwelling, is located within a residential area. It fronts onto Powys Lane and sits on a curved section of the junction where Broomfield Avenue joins this highway. This junction allows one-way traffic to exit Broomfield Avenue, before joining Powys Lane, a classified road.
5. The Council has a specific policy in their Development Management Document (2014) (DMD) which relates to the provision of new vehicle crossovers and dropped kerbs. Policy DMD46 of this document provides a list of criteria to be met where such development is proposed. The Council considers that the appeal before me does not meet criteria d and e which state that a new vehicle crossover will only be permitted where *'there is no adverse impact on the road safety'* and where *'there is 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'*.
6. Further to this the Council's Revised Technical Standards for Footway Crossovers (2013) (TS) states that situations where manoeuvring on or off the highway may be hazardous include *'in the immediate vicinity of a junction'*.

7. In this regard, I note the Council's statement that new crossovers onto classified roads such as Powys Lane 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.
8. I recognise that there are traffic calming measures in the area; that the development would add only one more pavement crossover to the road and vehicles using the crossover to exit the site would be able to do so in forward gear.
9. However the application states that the hardstanding would accommodate at least 3 vehicles, which would generate a number of additional movements accessing the highway on a daily basis. These additional movements, whilst modest in overall number, would nevertheless lead to more vehicles stopping, slowing down and turning on to or off the adjacent junction. Road users approaching the junction would be more likely to be focussing on traffic coming from the right on Powys Lane rather than vehicles using the crossover on the left. Furthermore I saw on my site visit that the proposed access is on a curved part of the road which reduces the visibility along Broomfield Avenue. I consider these factors would directly compromise the safety of both pedestrian and vehicle users using the junction.
10. I acknowledge that there are other pavement crossovers along Broomfield Avenue and Powys Lane, including at neighbouring properties. However I note the Council's remarks that some of these are historic or do not have consent. I do not have any evidence to demonstrate that any of these have been permitted under the existing national and local planning policy framework. Furthermore the position of the access on the junction is quite specific to this appeal and as such other examples are not directly comparable. Nor would existing crossovers justify further development that, in my view, would add an additional potential source of conflict that would not be in the interests of highway safety. In any event, I must determine the development on its own individual planning merits.
11. Whilst I note the Appellant's comments that no road accidents in the locality have involved vehicles using pavement crossovers, the development would increase the cumulative impact of movements from such crossovers along the highway, which I consider would be to the detriment of highway safety and the free flow of traffic within the vicinity of the appeal site.
12. Consequently taking all the above factors in to account and considering the available evidence that is before me, I conclude that the development would result in significant material harm to highway safety. Accordingly this would conflict with DMD Policy DMD 46; the TS; Enfield Council's Core Strategy (2010) (CS) Core Policy 30 which seeks, amongst other things, safe and accessible neighbourhoods; and the National Planning Policy Framework which includes seeking development that is safe and sustainable.
13. Whilst the Council has referred to CS Core Policy 24 this appears to relate specifically to improvements to the road network. I therefore do not consider it relevant in this case.
14. Reference has been made by both main parties to a previous dismissed appeal for similar development at the appeal site. However a copy of the appeal has not been provided. Furthermore since that decision the planning policy

framework has changed at both the national and local levels and traffic calming measures have been implemented. This therefore has no bearing on my decision.

Conclusion

15. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR