



Appeal Decision

Site visit made on 27 July 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 18 August 2017

Appeal Ref: APP/Q5300/W/17/3174944
326 Carterhatch Lane, Enfield EN1 4AL

- 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 George Georgiou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01066/FUL, dated 8 March 2017, was refused by notice dated 3 May 2017.
 - The development proposed is the construction of a vehicle crossover.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a vehicle crossover at 326 Carterhatch Lane, Enfield EN1 4AL in accordance with the terms of the application, Ref 17/01066/FUL, dated 8 March 2017, and the plans submitted with it

Preliminary Matters

2. The Council's highways department made representations that stated the appeal site was within a conservation area. However, the planning officer's report states that this is not the case. The appeal site is close to, but not within the nearby Forty Hill Conservation Area.
3. From my site visit it was apparent that the development has been implemented and therefore I have determined this appeal retrospectively. However, the commencement of development has had no effect on my decision.

Main Issue

4. The main issue is the effect of the development on highway safety including the safety of pedestrians using the footpath.

Reasons

5. The appeal site is part of a row of dwellings with short front gardens abutting the footpath on Carterhatch Lane. The overwhelming majority of front gardens have been converted wholly or in part to vehicle hardstandings. The footpath has a lowered kerb along the length of the row of houses to allow for vehicles to park with two wheels on the pavement or for occupiers to have vehicular access to hardstandings.

6. The site is on the western side of the road, approximately 20 metres from the junction with Russell Road where the highway takes a roughly 60° bend to the north-west. When viewed from the appeal site, vehicles will emerge from Russell Road and enter Carterhatch Lane from the left and from behind the appeal site but on the far side of the carriageway.
7. The Council has identified Carterhatch Lane as a classified road due to high levels of traffic. Policy CP 24 of The Enfield Plan Core Strategy 2010 and Policy DMD 46 of the Improving Enfield Development Management Document 2014 (the Development Plan) together seek to ensure that vehicle crossovers and dropped kerbs do not have an unacceptable impact on highway safety.
8. Policy DMD 46 of the Development Plan sets out eight criteria to be satisfied before the creation of a new vehicle crossover or dropped kerb should be permitted on classified roads. The Council's highways department states that two of the criteria are not met, namely that there should be no adverse impact on the road safety and that vehicles can enter and exit the crossover in forward gear.
9. The statutory position is that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The appellant states that most, if not all, dwellings in the same row as the appeal site have a vehicle crossover. The Council states that all the neighbouring crossovers were granted planning permission before the adoption of the current policy in 2014. I consider the fact that many other properties have crossovers to be a material consideration but it is not sufficient to overcome the clear intention of Policy DMD 46 of the Development Plan.
10. However, from my site visit it was evident that the effect of parking a car in front of the appeal site created an obstacle on the footpath around which cars parked on the hardstandings of the neighbouring properties had to manoeuvre. I consider it likely that this manoeuvring, which would mean vehicles either reversing onto or off the road at a slow speed, would be likely to create more of a risk to other road users than the use of the hardstanding at the appeal site. A car parked in front of the appeal site is also likely to significantly reduce visibility along the road and footpath for drivers emerging from the hardstandings of neighbouring properties, potentially increasing the risk to the safety of other road users and pedestrians.
11. The existing dropped kerb at the appeal site means there is no need to create a new one. Any unsighted traffic approaching from Russell Road would be on the far side of the carriageway, and there is a clear view southward along the road to see oncoming traffic. The purpose of Policy DMD 46 of the Development Plan is to ensure that road safety is not compromised.
12. I consider that the development is likely to reduce the risk to highway safety by removing an obstacle from the path. Consequently, I consider that to achieve the purpose of the Policy, the reduction in risk to highway safety from the development is a material consideration that outweighs the strict application of the criteria in Policy DMD 46 of the Development Plan. Therefore, I conclude that the appeal should succeed.
13. The Council has suggested conditions to be imposed in the event that permission is granted. Because the scheme has been implemented in accordance with the

plans accompanying the application it is unnecessary to impose a condition relating to commencement or compliance with plans. The Council also suggested a condition requiring details of measures to prevent water run-off from paved areas. Because the hardstanding is constructed with gravel, such a condition is also unnecessary.

Conclusion

14. For the reasons given above, and taking into account all other matters, I conclude that the appeal should be allowed and planning permission is granted.

D Guiver

INSPECTOR