

Appeal Decision

Site visit made on 5 September 2017

by C J Ford BA (Hons) BTP MRTPI

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2017

Appeal Ref: APP/U5360/D/17/3179512

8 Swinnerton Street, Hackney, London E9 5RG

- 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 Ahmet Husseyin against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/0645, dated 13 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is described as 'application for dropped kerbs and vehicle crossovers'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposed development in the header above is taken from the original application form. The Council's decision notice more accurately describes the proposal as 'Formation of a vehicle crossover to provide vehicular access into the front garden of the property'.
3. The submitted 'Existing' drawings show a low front boundary wall to the appeal site and the front garden area as mainly comprising soft landscaping. At the time of the site visit the boundary wall had been removed with the exception of a small section standing alongside the walkway to the front door. The garden area had also been changed to hard landscaping.

Main issue

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

Reasons

5. The appeal property is a two storey house at the southern end of a short terrace of four dwellings. The houses have shallow front garden areas which gradually increase in depth from north to south. As a consequence, the appeal property has the deepest front garden area within the terrace. Nevertheless, the proposal would still fail to accord with the Council's Residential Extensions and Alterations Supplementary Planning Document 2009 which specifies that off street parking will not be permitted in properties where the depth of the front garden is less than 6.5m.
6. It is apparent from the various blue signs in the vicinity of the site and the white painted images of bicycles on the highway that the road in front of the house forms part of a signposted cycle route. It was observed at the site visit

that the route is well used by cyclists. The large degree of on street parking also indicates that it is a location which suffers a high level of parking stress.

7. To the south, beyond the appeal site, the carriageway narrows and the road bends towards the east. For a driver exiting the proposed off street parking space, the view of the highway to the south would initially be obscured by a tall fence that runs along the southern boundary of the site. Thereafter, taking into consideration the high level of parking stress in the locality, the view would be further obscured by vehicles parked on the side of the road. There is the prospect that these vehicles would have solid or dark glazed side panels and the driver would need to blindly manoeuvre out into the highway.
8. The character and appearance of the property, namely a terrace house with a shallow amenity area to the front, would not readily suggest to a driver or cyclist approaching from the south that the relatively small gap between the on street parking would conceal a vehicular access. These highway users would therefore not be anticipating a car to emerge from the gap.
9. In this context, whilst a driver could take the greatest care in edging out into the highway and do so at a very low speed, it may nevertheless result in a collision with highway users approaching from the south or otherwise lead to them taking erratic collision avoidance action. The appellant's view that the Council's concerns in respect of highway safety are overly exaggerated is therefore not accepted.
10. The benefit of providing a private off street parking space at the property would be counteracted by the loss of an on street space. The appellant's intended purchase of an electric car and its associated environmental benefits would not outweigh the identified harm to highway safety.
11. It is acknowledged that there are a number of dropped kerbs elsewhere in the nearby area which are located on busier through roads. However, it has not been made clear whether they were considered against extant planning policy, as must apply in this case. Whilst attention has been drawn to an appeal decision in Watford, (Appeal Ref: APP/Y1945/D/14/2219647) the proposal has been determined on its own merits having regard to the particular circumstances of the appeal site and its surroundings.
12. It is therefore concluded that the proposal would have an unacceptably harmful effect on highway safety. It would conflict with Policy 6.3 of the London Plan 2016, Core Strategy Policies 6 and 24 of the Council's Local Development Framework Core Strategy 2010 and Policies DM44 to DM47 of the Council's Development Management Local Plan 2015. Amongst other things, these policies seek to resist development where it would have a detrimental safety impact on other highway users. Furthermore, as the proposal would fail to provide safe and suitable access to the site, it would not represent sustainable development in the context defined by the National Planning Policy Framework.

Conclusion

13. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

C J Ford APPOINTED PERSON