

Appeal Decision

Site visit made on 18 October 2017

by M Seaton DipTP MRTPI

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

Decision date: 10 November 2017

Appeal Ref: APP/Q5300/W/17/3179699

101 Ordnance Road, Enfield, EN3 6AG

- 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 Stuart Dockar against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05822/FUL, dated 12 December 2016, was refused by notice dated 16 February 2017.
 - The development proposed is a vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the highway safety of pedestrians and road users.

Reasons

3. The appeal property is comprised of a two-storey mid-terraced building set within an existing commercial/retail parade on the southern side of Ordnance Road. The ground floor of the premises was shuttered and closed when I visited the site, but is indicated to have most recently been in a retail use, with residential accommodation above. The forecourt of the premises was clearly demarcated behind the pavement, with a bollard installed to restrict access for forecourt parking.
 4. The premises are located on a busy classified road along which run several bus routes. Parking and waiting restrictions in the form of double and single yellow lines are in place on the street immediately in front of the commercial parade, but on the opposite side of the road in front of residential properties, on-street parking is not restricted. I observed that whilst a drop-kerb allowing access to land to the rear next to the Launderette was in place, the majority of commercial properties in the vicinity do not possess formal vehicular access to the forecourts in front of premises.
 5. Whilst I acknowledge that the Council's assessment of the depth of the forecourt being 2.178 metres would appear to have been in error, I am nevertheless satisfied that for the purposes of vehicular parking that the forecourt in front of the appeal premises is of limited depth. There would as a consequence be insufficient space provided to park a car perpendicular to the
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road without overhanging the pavement and resulting in the potential for a significant obstruction to pedestrians, to the detriment of pedestrian safety, and to the free flow of traffic on this busy road.

6. As I observed at the appeal site, where informal parking on forecourts does currently occur in the vicinity, vehicles tend to be parked at an angle across the forecourts, or parallel to Ordnance Road. In this respect, I note that the appeal proposal indicates the width of the area for parking to incorporate both the forecourts of Nos. 101 & 103 Ordnance Road, with a maximum dimension of 12.7 metres. The appellant has contended that the additional width would allow a parking space and room to manoeuvre a vehicle within the site to facilitate access and egress in a forward gear.
7. I have carefully considered this contention, but in the absence of any swept-path analysis in support of the proposed vehicular manoeuvres, or other compelling evidence, I am not persuaded that as a consequence of the limited depth of the forecourt that such manoeuvres would be achievable entirely within the appeal site. I consider that the proposed arrangements would lead to a necessity for more complicated manoeuvres on and over the pedestrian environment, which I do not consider would be desirable in the context of pedestrian safety. Furthermore, I do not regard the presence of off-street parking of similar characteristics in the vicinity to be a desirable precedent to follow.
8. I therefore find that the proposed vehicular crossing would not provide access to an adequate provision of car parking on the appeal site, and that there would be an adverse effect on the highway safety of pedestrians and other road users from potential parking and vehicular manoeuvres.
9. Whilst I am not persuaded that the strategic policies referred to in the Enfield Core Strategy 2010 would be relevant in this instance, the proposal would not accord with Policies DMD37 & DMD46 of the Enfield Development Management Document (the DMD) 2014, and Enfield's Revised Technical Standards for Footway Crossovers (2013). These policies and guidance seek to ensure that development results in a safe public realm, that vehicle crossovers and dropped kerbs do not result in an adverse impact on road safety, and that vehicles can enter/exit the crossover in a forward gear.

Other Matters

10. The appellant has made a number of references to the National Planning Policy Framework (the Framework), and in particular to the role of the planning system as being to promote sustainable development. However, in addition to the various references, I am mindful that paragraph 196 of the Framework sets out that *the planning system is plan-led*, and that *planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise*.
11. Whilst I accept the Framework to be a material consideration, I am mindful that the DMD has been adopted since the publication of the Framework, and would have been assessed in respect of its consistency with the Framework. I do not therefore regard the Framework as providing an overriding basis to ignore the requirements of the adopted Development Plan as set out, or as a consequence the harm and conflict with the Development Plan which I have identified.

Conclusion

12. For the reasons given above, the appeal should be dismissed.

M Seaton

INSPECTOR