

Appeal Decision

Site visit made on 24 June 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/W5780/D/19/3228542

441 Green Lane, Seven Kings, Ilford IG3 9TD

- 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 Deepak Bangar against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4907/18, dated 29 November 2018, was refused by notice dated 6 February 2019.
 - The development proposed is the formation of a vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on pedestrian and highway safety.

Reasons

3. The appeal relates to the frontage of a terraced property which is located on a busy classified highway. The front boundary of the property is open and the frontage is hardstanding. A skip and a car were parked on the frontage at the time of my visit and the kerb was not dropped.
 4. The appeal property sits directly opposite a right turning lane and immediately to the west of a pedestrian island within Green Lane and directly opposite the junction with Nuffield Gardens. There are no parking restrictions along this section of the highway except at the mouth of the Nuffield Gardens junction.
 5. The front boundaries of Nos. 439 and 443 Green Lane are open save for a section of low wall at the boundary shared with the appeal property. Whilst this arrangement would afford reasonable visibility at the point where the forecourt meets the pavement, a lack of turning space means that vehicles would either reverse on or off the forecourt. In my experience, visibility is somewhat restricted in many vehicles when reversing and this can present a particular challenge when reversing onto a busy classified highway.
 6. The Council's Highway Officer has explained that a vehicle access/crossover within 10 metres of a junction off a classified road cannot be supported on
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safety grounds. The Council has explained that this is because the greatest numbers of accidents occur at junctions due to multiple directional turning movements involving both pedestrians and vehicles, all within a relatively small concentrated area and with limited views requiring quick decision making. This seems a reasonable and sensible approach to me.

7. I am mindful that many of the frontages of the properties along this section of Green Lane are used for the parking of vehicles, with many benefiting from dropped kerbs, including the properties either side of No. 441. Nevertheless, the Council explains that these are historic developments with many having taken place before higher safety standards were adopted and not all benefit from planning permission.
8. The appellant asserts that the number of vehicles using the access would be low as would be the speed of vehicles entering it, whilst the speed of vehicles travelling along Green Lane is slow because the highway conditions outlined above act as traffic calming. However, none of this is guaranteed.
9. I am mindful that there have been no recorded accidents along this section of the highway which have been directly attributed to vehicles entering or leaving the forecourts. One could take the view that the creation of another domestic access in a road which has many others is unlikely to make a discernible difference to this safety record. However, I take the alternative precautionary view that introducing a vehicular access close to a highway junction, a right turn lane and a pedestrian island on a busy classified highway which would conflict with the Council's standards specifically designed to ensure highway safety, could only increase the potential for vehicle conflict and the safety risk for all users of the highway.
10. The appellant points to the fact that paragraph 109 of the National Planning Policy Framework explains development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For the reasons outlined above, I consider that the proposal would result in an unacceptable increase in the risk to highway safety, contrary to the overall aims of policy PL26 of the adopted Redbridge Local Plan which promotes safe environments.
11. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

David Fitzsimon

INSPECTOR