

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/19/3227324

425 Green Lane, Ilford, Essex 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 Suryakant Patel against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4790/18, dated 30 November 2018, was refused by notice dated 28 January 2019.
 - The development proposed is the creation of a dropped kerb to create vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

3. The appeal relates to the frontage of a semi-detached property which is located on a busy classified highway. The overwhelming majority of the wide frontage of the appeal property is open and has been put to hardstanding. The proposal seeks to drop a section of the kerb in front of the property in order to create a vehicular access.
 3. The appeal property sits on the corner of Green Lane and Gatmore Road and directly opposite the junction with Lynford Gardens. Double yellow lines wrap around the corner of the junction and extend in front of the majority of the frontage of the appeal property. There are no parking restrictions along this section of the highway except at the mouth of the junctions.
 4. As explained, the frontage of the appeal property is largely open and the front boundary of the neighbouring property is defined by a low wall. Whilst this arrangement would afford reasonable visibility at the point where the forecourt meets the pavement, the forecourt is not deep. Limited information was submitted with the application and in the absence of any compelling evidence to the contrary, it seems to me that turning within the forecourt itself would be difficult if more than one vehicle was to be parked on it. In my experience,
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visibility is somewhat restricted in many vehicles when reversing and this can present a particular challenge when reversing onto a busy highway.

5. The nearest point of the crossover would be within 10 metres of the radii of the junction with Gatmore Road. I understand the Council will not support the creation of a vehicle access/crossover within 10 metres of a junction off a classified road on 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.
6. I am mindful of the presence of several dropped kerbs and vehicular accesses along Green Lane which are close to the junctions I have referred to. 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.
7. 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 of the highway conditions. However, none of this is guaranteed.
8. 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 on a busy classified highway very close to two junctions 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.
9. The Council has also raised concern that as the appeal property already has off-street parking to the rear, served by a dropped kerb, the proposal would result in a level of parking provision which would exceed the maximum standard endorsed by policy 6.13 of The London Plan. However, it seems to me that parking provision could be limited by way of a suitably worded planning condition in order to ensure compliance, if indeed, this was necessary.
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