

Appeal Decision

Site visit made on 12 August 2019

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/R5510/D/19/3231677

204 Victoria Road, Ruislip HA4 0AP

- 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 Danish Hussain against the decision of the London Borough of Hillingdon Council.
 - The application Ref 22182/APP/2019/319, dated 28 January 2019, was refused by notice dated 10 April 2019.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on highway safety; and the effect on the character and appearance of the area.

Reasons

3. The proposal would result in the front garden of this property being used for the parking of a vehicle. Turning within the site would not be possible. Drivers would therefore have to reverse either into the property or from it. As this manoeuvre cannot be controlled, it is necessary to consider both options.
 4. The appellant does not control the land to either side of the property and as a result, visibility between a car reversing and on-coming pedestrians is dependent on maintaining vegetation within the neighbouring gardens at a low level. This cannot be assured. However, the plans show that return walls would be introduced across the two sides of the frontage which would limit parking and manoeuvring to the centre of the paved area. I am satisfied that with this limitation, adequate inter-visibility between driver and pedestrians could be maintained. In this respect, the proposal would not unacceptably increase risks with regard to conflict with pedestrians.
 5. When re-joining the carriageway in a vehicle, visibility, particularly from a reversing car at the point where it would join the carriageway, would be almost entirely obscured by the side panel of the bus stop shelter. Carefully reversing into the nearside of the carriageway would reduce the risk as that area is used less by vehicles due to the presence of the bus stop. Given that parking takes
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place within the carriageway beyond this access, this also helps to direct traffic into the farthest part of the carriageway. However, the lack of parking between the access and the roundabout, due to the dropped kerbs and the bus stop, allows movements close to the kerb where inter-visibility would be at its poorest. Such a reversing manoeuvre would substantially increase the potential for conflict, particularly with regard to more vulnerable road users such as cyclists who are likely to be in the nearside of the carriageway. It would however also result in potential conflict with all road users given the lack of visibility of on-coming vehicles. I note that some other bus stops in the vicinity result in similar concerns but this is not a good reason to allow new unsafe development. I am also not satisfied that a mirror set within the grass verge would satisfactorily overcome this concern.

6. Visibility would be entirely unsatisfactory because of the bus stop shelter when reversing into the carriageway. The proposal would therefore be contrary to policy AM7(ii) of the Hillingdon Local Plan Part Two-Saved Unitary Development Plan Policies 2012 (UDP) which seeks to avoid prejudice to highway safety. As the policy generally accords with the requirements of the National Planning Policy Framework (the Framework), I afford it considerable weight. Policy AM14 relates to parking standards and although it includes notes with regard to such provision within Annex 1, it is not directly relevant to the safety concerns raised.
7. The surfacing of the entirety of the front garden has already been carried out. The property presently has no boundary feature across the frontage and it is entirely devoid of vegetation. In addition to the introduction of return walls it is proposed that planters would be provided to both sides within the garden. I consider this to be less satisfactory than retaining unsurfaced areas. Whilst there are many examples of such works, front garden planting continues to make a positive contribution to the appearance of the area.
8. I conclude that even with the introduction of a return wall and planters, the proposal would be likely to detract from the appearance of this property and the character and appearance of the wider area. The removal of the garage to the rear would increase the amount of permeable surfacing but would not alter my conclusion. The proposal would be contrary to the design and landscape objectives of UDP policies BE13, BE19 and BE38. As these policies generally accord with the design requirements of the Framework, I afford them considerable weight.
9. The Council has adopted a Supplementary Planning Document entitled Hillingdon Design and Accessibility Statement: Residential Extensions 2008 which refers specifically to parking within front gardens. It seeks to avoid surfacing the entire area and removing the front boundary. The works already carried out are in conflict with this advice. The reinstatement of parts of the front wall and the use of planters would help to mitigate these concerns and provide some landscaping but overall, I find conflict with the objectives of this guidance.
10. I have had regard to the correspondence between the Council's officers and the appellant. I fully appreciate the concerns raised with regard to the conflicting and contradictory advice. However, this is a separate matter that has already been taken up directly with the Council.

11. I have had regard to the benefits of off road parking and the particular circumstances of the appellant and his family with regard to access, safety and security. Although there would be benefits to the appellant and I appreciate that there are numerous other similar developments in the vicinity, I find that the matters in favour of the proposal are not sufficient to outweigh the concerns with regard to highway safety. The harm to the character and appearance of the area adds to these concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR