
Appeal Decision

Site visit made on 19 August 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/Y5420/W/19/3230862

Ground Floor Flat, 135 Philip Lane, Tottenham, London, N15 4JR

- 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 Richard Pepe against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0535, dated 6 February 2019, was refused by notice dated 4 April 2019.
 - The development proposed is a dropped kerb.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. These are as follows: whether the proposed development would preserve or enhance the character or appearance of the Clyde Circus Conservation Area (CA); and the effect of the proposal on highway safety.

Reasons for the Recommendation – Conservation Area

4. The appeal site is located on the southern side of Philip Lane, immediately opposite the junction with Dongola Road and in proximity to the junction with Lawrence Road to the west. The flat is part of a 3-storey, mid-terrace residential Victorian property with hardstanding to the front. The site is bordered by walls along the shared boundaries with neighbouring properties but with no boundary treatment at the front.
5. The surrounding part of the CA is characterised by its mixed use. The northern side of Philip Lane immediately facing the appeal site is lined with commercial premises. In contrast, the neighbouring properties on the southern side comprise residential dwellings which, although varied in size and design, retain a consistency in terms of architecture, materials and character. Many of these properties have no boundary treatment to the front, and the parking of vehicles in the forecourts is a common feature.

6. The appellant seeks permission for a dropped kerb in front of the appeal site. The dropped kerb would be centrally placed along the front boundary of the site and would allow access for parking in the forecourt. It is recognised that the street scene is varied, and that the loss of front gardens and boundary walls to accommodate forecourt parking is a common feature. However, the proposal relates to a dropped kerb, which is not a common feature in the immediate area along this section of Philip Road. Despite the already low kerbs present, the proposal would cause a visual break in the continuous pavement. It would be placed in a prominent visual location opposite the junction with Dongola Road and would be experienced alongside neighbouring dwellings, standing out as an incongruous addition to the street scene.
7. The proposal would cause visual harm to the designated heritage asset. However, it is recognised that the current height of the kerb is relatively low, and that no alterations to the external curtilage of the building would be made. Furthermore, while views of the proposal are prominent in the immediate location, they are limited in terms of the overall CA. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. From the information provided there are limited public benefits to the proposed development. It would improve parking for the owner and reduce the pressure for on street parking in the surrounding area which is already controlled by restrictions. The benefits advanced are insufficient to outweigh that identified harm, particularly when considering the weight to be given to the conservation of heritage assets.
8. I find that the development would fail to preserve or enhance the character or appearance of the CA. Accordingly, it would fail to comply with Policy DM9 of the Council of the London Borough of Haringey Development Management DPD adopted in July 2017 and Policy 7.8 of the London Plan 2016.

Highway Safety

9. As outlined above, the dropped kerb would create a vehicular access to the appeal site to allow for parking. There is no evidence that there would be sufficient space in the forecourt for turning within the site, and drivers would potentially reverse out into the relatively busy road, directly opposite the junction with Dongola Road and in proximity to the junction with Lawrence Road. Drivers reversing into the forecourt would cause obstruction to flowing traffic.
10. The site is located on a straight section of the road, with good visibility due to nearby parking restrictions. Nonetheless, the addition of manoeuvres into and out of the site has the potential to lead to an increased risk of collisions, particularly due to the site's position relative to Dongola Road. Use of a vehicular access due to the dropped kerb would impede the flow of pedestrians and vehicles and would also temporarily reduce the visibility of drivers travelling along Philip Lane. This would cause a reduction in pedestrian and vehicular safety.
11. The increase in the risk of vehicle collisions as a result of the proposal would cause unacceptable harm to highway safety in the area which, in accordance with Paragraph 109 of the Framework, merits refusal on highways ground. The proposal would conflict with Policies DM2, DM32 and DM33 of the Council of the London Borough of Haringey Development Management DPD adopted in July

2017 and Policy 6.13 of the London Plan 2016 which seek to maintain a safe and efficient highway network.

Conclusion and Recommendation

12. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR