The Planning Inspectorate

Appeal Decision

Site visit made on 16 September 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2019

Appeal Ref: APP/R5510/D/19/3230520
11 Brixham Crescent, Ruislip HA4 8TU

- 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 Mariusz Bogdanowicz against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 72725/APP/2018/4205, dated 30 November 2018, was refused by notice dated 1 May 2019.
- The development proposed is vehicular crossover to pavement in front of dwellinghouse.

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.

Procedural Matter

3. In their consultation response, the Council's highways officer indicated that the proposal did not require planning permission. Regardless, as the appeal has been submitted, under Section 78 of the Town and Country Planning Act 1990, it must be determined against the policies in the development plan as per Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Main Issue

4. The main issue is the effect of the proposed development on pedestrian and highway safety.

Reasons for the Recommendation

5. The appeal site comprises a two-storey, mid-terrace property on the northern side of Brixham Crescent, a residential street. The front garden of the appeal site comprises an area of hardstanding. During my site visit, I observed that a continuous vehicular crossover is in place in front of Nos. 5-9 which adjoin the appeal site to the west. This crossover extends across the western side of the frontage of the appeal site, and spans across more than half of the site's width. The proposed crossover relates to the eastern side of the frontage and would essentially extend the existing crossover across the full width of the appeal site and across the western part of the frontage of No. 13 to the east.

6. Given the low volume of traffic along this suburban street and the open nature of the appeal site and surrounding area, I consider that there is an acceptable level of visibility for a car to enter and leave the appeal site without causing harm to highway safety. However, from the plans, I do not consider that a car could be parked within the forecourt of the appeal site without protruding over the pavement. As such, the proposed parking arrangement would unacceptably obstruct pedestrian movement on the pavement.

7. To address the comments of the Council's Highways Officer, the appellant has suggested that the proposal could be moved to a more central position within the frontage to avoid the crossover being partly in front of No 13, and that this would then provide a parking space with a depth of 4.6m. This alternative arrangement may satisfy the Council's concerns about the crossover being in front of No 13, but, due to the presence of the bay window, it is doubtful this would allow for a parking bay any longer than that shown on the plans. In any case, as no additional drawings have been submitted, this alternative arrangement remains entirely theoretical and so I give minimal weight to this consideration.

8. The appellant states that the safety implications of the proposal would be similar to that of existing properties along Brixham Crescent. However, that does not outweigh my view that a car parked in the bay shown on the plans would be likely to overhang and obstruct the pavement.

9. For the above reasons, I conclude that the proposed development would cause unacceptable harm to pedestrian safety. The development therefore conflicts with Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (2012), which state respectively that the Council will not approve development which will prejudice the conditions of pedestrian safety and that development proposals must comply with the Council's adopted car parking standards. The proposal also conflicts with the Hillingdon Design and Accessibility: Residential Extensions SPD, which states that a car should be able to park at right angles to the road without overhanging the pavement.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR