



Appeal Decision

Site visit made on 15 October 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/Q5300/W/19/3234170

160-162 Bury Street, Edmonton, London N9 9LQ

- 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 & Mrs Mahmood Sharif & Rabia Amjad against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03524/FUL, dated 30 August 2018, was refused by notice dated 29 January 2019.
 - The development proposed is the construction of hardstanding in connection with vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form.

Main Issue

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

Reasons

4. The appeal building comprises of 2 flats with a front garden bordered with a low brick wall along the pavement. The site fronts immediately on to the junction between Bury Street and Winchester Road. Double yellow lines outside the appeal site restrict parking immediately to the front of the property, however on street parking is available in close proximity.
5. Policy DMD46 of the Enfield Development Management Document adopted 2014 (DMD) specifically relates to the provision of new vehicle crossovers and dropped kerbs onto "A" roads and other busy classified roads. It provides a list of criteria to be met where such development is proposed which includes inter

- alia, that a vehicle must be able to enter/exit the crossover in forward gear, and there must be no adverse impact on the free flow and safety of traffic on the adjoining highway.
6. The proposals seek a double-parking area and given the size of the frontage vehicles would either enter or exit in a reverse gear. The proposed access point would be directly onto the junction and the location of the traffic island at the junction would restrict manoeuvring. Any manoeuvring would likely necessitate the use of both Winchester Road and Bury Street leading to awkward manoeuvres over a junction and onto a classified road.
 7. I note the Council's position that new crossovers onto classified roads such as Bury Street are normally resisted to maintain their importance as traffic routes within the Borough and for highway safety purposes. I have no substantive evidence regarding road accidents along Bury Street or Winchester Road from vehicles using pavement crossovers. Moreover, I recognise the development would add only one more pavement crossover to the road. However, the application states that the hardstanding would accommodate 2 vehicles. This would generate a number of additional movements accessing the highway on a daily basis. These additional movements, whilst modest in overall number, would nevertheless lead to more vehicles stopping, slowing down and turning on to or off the adjacent junction. Road users on Bury Street would be more likely to be focussing on traffic coming from Winchester Road rather than vehicles using the proposed driveway. I consider these factors would be to the detriment of highway and pedestrian safety and the free flow of traffic within the vicinity of the appeal site.
 8. I acknowledge that there are other pavement crossovers along Bury Street and Winchester Road, including at neighbouring properties. However, I do not have any evidence to demonstrate whether these are lawful, or whether any of these have been permitted under the existing national and local planning policy framework. Furthermore, the position of the access at the junction of Bury Street and Winchester Road is quite specific to this appeal and as such other examples are not directly comparable. Moreover, existing crossovers would not justify further development that, in my view, would add an additional potential source of conflict that would not be in the interests of highway or pedestrian safety. In any event, I must determine the development on its own individual planning merits.
 9. Taking all the above factors into account and considering the available evidence that is before me, I conclude that the proposed development would result in significant material harm to highway and pedestrian safety. As such the proposal would conflict with Policy DMD 45 and 46 of the DMD. It would also conflict with Core Policy 30 of the Enfield Plan Core Strategy 2010-2025 (CS) adopted 2010. The proposal would also conflict with Policy 6.3 and 6.13 of the London Plan (LP) adopted 2016. These policies seek amongst other things, safe and accessible neighbourhoods. The proposed development would also be contrary to paragraph 109 of the National Planning Policy Framework which seeks to ensure that development does not have an unacceptable impact on road safety.
 10. Whilst the Council has also referred to Core Policy 24 of the CS and Policy 6.10 of the LP these appear to relate specifically to improvements to the road

network and the pedestrian environment. I therefore do not consider these policies to be relevant in this case.

Other Matters

11. I have taken into account the personal circumstances advanced by the appellants with regard to the damage and theft fears associated with parking on Bury Street, security and car insurance implications, pedestrians sitting on the front wall, littering, increasing on street parking availability elsewhere, absence of neighbour objections, and the health needs of a family member. Whilst I sympathise with the appellants desire to provide off street parking and the personal circumstances around this, the access would be a permanent development that would cause significant harm to users of the highway and these users would include the appellants and future occupants. Therefore, these considerations would not outweigh the harm I have identified to highway and pedestrian safety.

Conclusion

12. I have considered all of the arguments advanced in support of the proposal raised in the evidence before me. However, I do not consider such matters to clearly outweigh my conclusions on the main issue in relation to highway and pedestrian safety. The appeal is therefore dismissed.

Robert Walker

INSPECTOR