



Appeal Decision

Site visit made on 26 November 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2020

Appeal Ref: APP/F5540/W/19/3224400
296 North Hyde Lane, Southall UB2 5TG

- 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 Azhar Hamied against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00815/296/P4, dated 10 October 2018, was refused by notice dated 5 December 2019.
 - The development proposed is described as "a proposed drop kerb to create the 3 x car parking spaces on site".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised in this case is the effect of the proposal on the safety of vehicular and pedestrian traffic, as well as the free flow of traffic on North Hyde Lane.

Reasons

3. The appeal scheme proposes the installation of a dropped kerb and new vehicular access to the front of a residential property. The proposal would necessitate the removal of the front boundary hedging in order to accommodate the new access, with part of the front boundary then being enclosed by a 900 millimetres high wall with a red brick finish.
4. The new access would be located to the north west corner of the site and near to a curve in the road. Whilst I observed that the immediately neighbouring site frontages were laid out as parking areas; one with an open frontage to the footway and the other enclosed by a low brick wall, I have no information before me of the visibility that would be available in respect of the proposal. The Council state that a minimum of 2.4 metre (m) x 43m visibility splays would be required in both directions; I observed North Hyde Lane to be a busy road with fast moving traffic and on this basis, I have no reason to disagree with this stance. Given the location of boundary treatments and landscaping to other nearby site frontages, together with the curve in the road, in the absence of information in respect of visibility splays, I cannot be satisfied that sufficient visibility would be available in both directions. As such, there would be the potential for unsafe vehicular movements onto the road.

5. The submitted plans show that the vehicular cross over would be 3.755m in width. Policy EC2 of the London Borough of Hounslow Local Plan (2015-2030) (the Local Plan) requires that proposals for vehicle crossovers be consistent with the Council's Supplementary Planning Document – Residential Crossovers and Off-Street Parking Policy (2016) (the SPD), which states that a maximum width of 3.6m is allowed. The proposal would therefore not comply with the guidance of the SPD.
6. I acknowledge that there would be little opportunity for vehicles to be able to enter and leave the site in a forward gear and, thus, it would be necessary for vehicles to either reverse into the site on arrival, or out onto the highway when departing. However, I observed that this was also a common arrangement at the other nearby dwellings with parking areas to the front. I have not been presented with any evidence to show that the reversing of vehicles onto the highway at these existing properties results in any harm to highway safety or detriment to the free flow of traffic.
7. Within the road to the front of the site is a traffic island and the proposed access would be located in close proximity to this. However, even when reversing out onto the highway, I do not consider that this alone would necessarily result in unsafe traffic movements, given the width of the road at this location. In respect of pedestrian safety, due to the low height of the means of enclosure along the frontage of the appeal site, there would be adequate visibility of passing pedestrians for the drivers of vehicles when exiting the site. This does not however overcome my concerns above.
8. I do not consider the scheme would result in any detriment to the free flow of traffic on North Hyde Lane or harm to pedestrian safety, nor would the need to reverse into or out of the site, in itself, result in harm. However, this is not sufficient to overcome my concerns above in respect of the lack of demonstrable adequate visibility. I therefore find that it has not been demonstrated that there would be no harm to the safety of vehicular traffic as a result of the proposal. Accordingly, the proposal would conflict with policy EC2 of the Local Plan which seeks to ensure that a sustainable local transport network is secured, which improves health and well-being. The proposal would also conflict with the guidance of the SPD.

Other Matters

9. I acknowledge that there are existing vehicular accesses within the vicinity of the site, which may not have the visibility requirements as outlined above. However, these are existing situations and I do not have information before me in respect of the circumstances of those accesses, or if they were permitted. Nonetheless, I do not find that the presence of such accesses is a sufficient reason to allow a further access which it has not been demonstrated would achieve the required visibility standard. Moreover, the other accesses do not exhibit the same arrangement as that which is proposed, in terms of their location and siting in respect of the layout of the highway.
10. Reference is made to the number of parking spaces to be provided; in that it would exceed the maximum parking standards. This however is not referenced in the reason for refusal, which specifically alleges harm to highway safety and the free flow of traffic. Given that I have found harm above in respect of highway safety, I have no need to consider this matter further.

11. I note comments made in respect of the need for adequate access due to the health of an occupant of the house. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. However, having due regard to this, and the need to eliminate discrimination and promote equality, in this case the harm resulting from the proposal to highway safety and the conflict with planning policy identified above, would outweigh this requirement.
12. There is also reference to the Human Rights of the appellant. In this respect, I am satisfied that there would be no disproportionate effect on the appellant, when balanced with the public interest of preventing harm to highway safety.

Conclusion

13. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR