



---

## Appeal Decision

Site visit made on 10 January 2020

**by Christopher Miell, MPlan, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23<sup>rd</sup> January 2020**

---

**Appeal Ref: APP/F5540/D/19/3238729**

**117 Hounslow Road, Feltham, TW14 0BB**

- 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 Mrs Radhika Thammishetty against the decision of the Council of the London Borough of Hounslow.
  - The application Ref: 00631/117/P3 dated 18 June 2019, was refused by notice dated 3 October 2019.
  - The development proposed is described as 'application to apply for a dropped kerb cross-over to the front of the property'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. In the event of the appeal being dismissed, the appellant states that they would be willing to accept planning permission for a smaller dropped kerb at the appeal site. However, no plans or technical details have been put forward to this regard. In any event, it is important that I determine this appeal on the basis of what was originally considered by the local planning authority, and on which interested people's views were sought. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted with the original application.

### Main Issue

3. The main issue is whether the proposed development would provide a safe and accessible environment for all users of the highway.

### Reasons

4. The appeal property is a detached dwelling located on the western side of Hounslow Road. The property is set back from the highway and the front garden has been laid with hardstanding to provide an area for off-street parking, which was in use on my site visit. To provide formal access to the off-street parking area, it is proposed to construct a dropped kerb on Hounslow Road, which would have a width of approximately 4.8 metres.
5. Hounslow Road is a classified A-road (the A244), which serves the surrounding urban area. The section of the highway immediately to the front of the appeal site features a bus stop with bus stop markings on the road. During my site

visit I observed that the road was busy with high volumes of traffic travelling in both directions.

6. The existing front garden at the appeal site has a limited depth. Therefore, most vehicles would be unable to turn around within the site and egress in a forward gear. As such, vehicles would typically need to reverse over the pavement and onto the road to exit the appeal site.
7. Hounslow Road is well trafficked and vehicles reversing out on to the highway would unacceptably impede the free flow of traffic. The dangers of such a manoeuvre would be exacerbated if there was a bus parked within the existing bus stop, because the bus would severely restrict the visibility of on-coming traffic for the driver of the reversing vehicle and any vehicle overtaking the parked bus.
8. The proposed vehicle crossover would be located within an area of the pavement immediately adjacent to the bus stop. In this area, pedestrians currently wait for the bus and board/leave the bus service. Consequently, I consider that vehicles crossing the pavement in this location, especially when reversing, would endanger the safety of pedestrians using the bus service.
9. The local highway authority (LHA) has expressed concerns that the proposal would create an unacceptable environment for wheelchair users and pedestrians with mobility impairments, due to the prolonged width of the vehicle cross-over and the associated alterations to the gradient of the existing pavement. The appellant has not disputed this matter. Based on the evidence before me, and my site observations, I have no reason to disagree with the LHA's assessment. Consequently, I conclude that the proposal would be prejudicial to the safety of pedestrians with mobility impairments, including wheelchair users.
10. In addition to the above, the LHA state that the removal of a significant section of the existing dropped kerb would severely limit the ability of the bus operator to deploy a ramp for wheelchair users of the bus service, which would unacceptably disadvantage disabled users and discourage the use of public transport.
11. The appellant argues that the wheelchair ramps are only used to provide access to the rear of the existing buses, and that due to the siting of the existing bus stop, the rear doors of parked buses typically align with a section of the pavement to the front of No. 115 Hounslow Road, which has a standard kerb. Therefore, the appellant contends that the proposal would not impact upon the ability of the bus operator to deploy a ramp. However, no technical information has been put forward by the appellant to demonstrate that this is the case. In any event, even if I were to accept that the proposed development would not restrict the deployment of a ramp this would not alter my decision, as the harm identified above is sufficient to justify dismissing the appeal.
12. My attention has been drawn to the existence of several dropped kerbs which are located within the immediate proximity of the appeal site. On my site visit, I noted that many of the existing dropped kerbs have created vehicle crossovers over the existing bus stop. However, I am not aware of the particular circumstances in those cases, and, in any event, I must consider the appeal proposal on its own individual planning merits. In addition, the

existence of other dropped kerbs in the locality does not justify the harm I have identified.

13. I acknowledge that the existing site layout allows for off-street parking. However, this is an informal arrangement whereby drivers must mount the kerb and cross the pavement. Based on the evidence before me, this arrangement does not appear to have been approved by the Council and/or LHA. To this regard, I note that paragraph 3.26 of the Council's adopted Residential Crossovers and Off-Street Parking Policy states that "*it is illegal to drive over the footway*". As such, this is not a determinative point in this appeal.
14. For the collective reasons outlined above, I conclude that the proposal would fail to provide a safe and accessible environment for all users of the highway. As such, the proposal would not accord with the Council's adopted Residential Cross-overs and Off-Street Parking Policy, which requires new development to avoid adverse impacts on highway safety and to ensure that accessibility and safety for bus passengers is not affected. For this reason, the proposal would not accord with criterion (e) of Policy EC2 of the adopted London Borough of Hounslow Local Plan 2015-2030.
15. Furthermore, the proposal would be inconsistent with Paragraph 110(c) of the National Planning Policy Framework, which states that developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

### **Other Matters**

16. The Council's officer report explains that the appeal site is located within an area of good public transport accessibility, and that in such areas the London Plan advises that dwellings with less than three-bedrooms should aim for significantly less than one off-street parking space per unit. In addition, concerns have been expressed that the proposed plans do not show a pedestrian facility across the appeal site to the front door. However, I note that these matters did not form part of the Council's reason for refusal. Nevertheless, as I have concluded that the proposed development would conflict with other development plan policies, and, given my decision to dismiss this appeal, it is not necessary to consider these matters any further.

### **Conclusion**

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

*Christopher Miell*

INSPECTOR