



Appeal Decisions

Site visit made on 5 February 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/A5270/D/20/3244477

116 Argyle Road, West Ealing, London, W13 8EL.

- 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 D Kalsi against the decision of the Council of the London Borough of Ealing.
 - The application Ref. 193889FUL, dated 2 September 2019, was refused by notice dated 7 January 2020.
 - The development proposed is the formation of a vehicle crossover and construction of a front boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicle crossover and construction of a front boundary wall at 116 Argyle Road, West Ealing, London, W13 8EL, in accordance with the terms of the application, Ref. 193889FUL, dated 2 September 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Details of the type and colour of brick to be used in the new front wall shall be submitted to and approved by the Council in writing prior to the erection of the wall.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing SK1002 Rev A.

Preliminary matter

2. I have used the description of the development drafted by the Council rather than that put in the application form as it better describes the development proposed. I take the proposal to mean the formation of a new vehicular access to the property from the highway.

Main Issue

3. The main issue is the effect of the vehicle crossover on highway and pedestrian safety.

Reasons

4. The appeal site comprises a two storey detached property which faces Argyle Road and lies in a frontage of similar properties. There is a front garden between the house and the road enclosed by a low boundary wall. It is

proposed to demolish this wall and form a vehicular access and erect a new wall and piers.

Effect on highway and pedestrian safety

5. I noticed at my site visit that Argyle Road is a tree lined avenue but also a busy main distributor road, classified as the B452, and it is a bus route. The site lies in a Controlled Parking Zone and there is a designated area for on-street parking along the frontage of the appeal site while there are on-street parking restrictions on the opposite side of the road. This arrangement appears to alternate along much of the road.
6. The Council's objection to the new access, on the advice of the highway authority, is because of the limited width of the forecourt, vehicles would not be able to turn around within the site and therefore not be able to both enter and exit in a forward gear. The Council submits that the resulting reversing manoeuvre will harm pedestrian safety. It is also said that a tree in the highway verge would also restrict visibility.
7. The guidance in the Council's Supplementary Planning Document 8 – 'Crossovers and Parking in Front Gardens' indicates that a minimum space to allow vehicles to turn within a site is 10m x 8m. The forecourt at the appeal site meets this although a landscaped area of 1.2m is shown along one boundary and this would reduce the width to 7.2m. However, depending on the planting undertaken, such landscaping, which would visually break up an area of hardstanding and benefit the appearance of the area, need not interfere with the rear of a vehicle reversing over it if the space was critical to the manoeuvre.
8. At my site visit I noted that all but two of the properties along the eastern side of Argyle Road local to the appeal site have a vehicular access to the property as shown on the plan (SK1004) submitted by the appellant and this amounts to some 16 properties. All of these properties appear to have a similar width of forecourt/front garden as the appeal site. Moreover, it appeared to me that it was possible to turn a car around within a site, albeit with some 'shunting', but in any event, even if this present arrangement of access points involves some reversing, there is no evidence that this has given rise to a clear problem of highway safety endangering pedestrians or traffic.
9. I have also taken account of the appellant's specific representations about his difficulties in getting elderly and/or disabled relatives out of his car when parked on the highway and the safer solution that parking within the site would bring.
10. In terms of visibility at the proposed access at the visit I considered the effect of the existing tree which is situated in the verge outside of No. 114. Although this is a mature tree with a sizable trunk, I judged that its presence did not materially restrict the visibility available to the left hand side of the proposed access and that there would still be a good view of pedestrians on the pavement and vehicles approaching on the opposite carriageway.
11. In the circumstances of the site, on balance I conclude that the creation of the new crossover would not be a danger to highway and pedestrian safety. I therefore find no conflict with Policies 2.8, 6.3, 6.11 and 6.13 of the London

Plan or Policy 6.3 of the Ealing Development Management DPD, and Supplementary Planning Document 8.

12. In terms of conditions the Council indicates. that only standard conditions on the commencement of the development; external materials to match the existing building; and compliance with the submitted plans are needed. I agree that only these conditions are necessary in the interest of clarity and to maintain the appearance of the area. However, I will amend the materials condition as the new front wall is shown to be constructed in brick while the existing house has a rendered front elevation. Details of the bricks are therefore needed, in the interests of maintaining the appearance of the area, before the wall is erected.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR