



Appeal Decision

Site visit made on 18 February 2020

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/Q5300/D/19/3242609

76 Victoria Road, Edmonton N9 9SU

- 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 Miri Dauti against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02551/HOU, dated 10 July 2019, was refused by notice dated 13 September 2019.
 - The development proposed is for vehicular access and construction of a hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. For the reason of precision and accuracy, I have used the description given in the Council's Decision Notice and have assessed the appeal on this basis.
3. The proposed hardstanding is already in place. The application is therefore part retrospective and I have determined the appeal on the same basis.

Main Issue

4. The main issue is whether the development would be detrimental to highway and pedestrian safety on Victoria Road.

Reasons

5. The appeal property has hardstanding to the front of the dwelling. The appeal proposal would allow the construction of a dropped kerb and vehicular access onto this hardstanding area. This would provide the occupiers of No 76 with off street parking for one car. The Council found no issues regarding the construction of the hardstanding area. Following my site visit and the evidence before me, I consider that the hardstanding area is acceptable in respect of character and appearance.
6. The appeal site is within a residential street situated opposite Pymmes Park. There are wide parking lanes on both sides of the road, and it is within a Controlled Zone which restricts parking on event days. No shops or public buildings were visible in the locality and there was no access to the park in the near vicinity of No 76. At the time of my site visit the majority of the parking spaces within these lanes were already occupied and the road was reasonably busy with traffic.

7. The hardstanding area to the front of No 76 would not be large enough to allow vehicles to manoeuvre and then drive out in a forward gear. Therefore, cars entering or leaving this appeal property would have to reverse out or reverse onto the hardstanding area. This would involve reversing over both the pedestrian pavement and the parking lane. While reversing, the driver's visibility would be reduced by garden walls, refuse bins and shrubs. This would make it particularly difficult to see pavement users, such as children and people in wheelchairs.
8. Parked cars within the parking lanes would also restrict manoeuvrability and considerably reduce the turning arc for vehicles reversing out of No 76. Furthermore, vehicles parked in this lane would prevent adequate visibility onto the road. This would make it difficult to ensure that the road is clear before entering the flow of traffic. Despite the speed humps, reasonably straight road and low speed limit, the traffic using this highway would still be required to stop to allow vehicles leaving No 76 to enter safely onto Victoria Road. This would adversely affect the traffic flow and road safety.
9. The Council considers that Victoria Road is a classified road and I have no information to suggest otherwise. Policy DMD 46 of the Enfield Council Development Management Document, 2014 (the DMD) provides the criteria for permitting dropped kerbs for off-street parking. This policy requires that there should be no adverse impact on road safety and vehicles should be able to enter and exit the crossover in forward gear. It is clear that this would not be possible in this appeal case.
10. I appreciate the appellant's willingness to resolve any safety issues by the inclusion of conditions relating to driveway mirrors, vehicle restrictions, nominated vehicles only with sensors and impact warning alarms. However, imposition of such conditions could be prejudicial to other parties. This would require a full consultation process to be undertaken to ensure highway and pedestrian safety had been fully considered.
11. I am aware that other properties in the locality have drop kerbs and hardstanding to allow off street parking. However, I have limited information or details of the planning history relating to these cases. My attention has also been directed to a local planning decision (17/04427/FUL) on Southbury Road. This development is not comparable as it is located on a road within a different part of Enfield and subject to different pedestrian and highway conditions. I'm also aware that in coming to the decision to approve this proposal, the Council gave considerable weight to a previous accident outside the property. I do not consider that this, or the other examples provides justification for overcoming the harm I have identified above. I must consequently determine this appeal on its own individual planning merits.
12. I have also given full consideration to crime prevention and safety of the occupiers of No 76. However, these matters do not outweigh the harm I have already identified in relation to pedestrian and highway safety.
13. I conclude that this development would be detrimental to highway and pedestrian safety on Victoria Road. Consequently, this proposal would be contrary to policy DMD 46 of the DMD. This policy requires vehicles to enter and exit crossovers in a forward gear and that there should be no adverse impact on road safety.

Other Matters

14. The appellant has raised concerns and issues relating to the Council's advice, procedures, guidance and appeal process. However, these are matters I can give little weight to in this appeal case and they remain a matter between the appellant and the Council. I must assess the appeal scheme on its own merits.

Conclusion

15. For the reasons detailed above and having regard to all other matters raised, I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR