



Appeal Decision

Site visit made on 16 March 2020

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/Q5300/D/20/3247055

786 Hertford Road, Enfield EN3 6PX

- 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 Ms Suzanne Webster against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03789/HOU, dated 31 October 2019, was refused by notice dated 7 January 2020.
 - The development proposed is 'alterations to the front garden for vehicle access and parking'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development provided by the application form has been updated in subsequent documents. I, accordingly, have adopted the description of development in the appeal form as it is accurate and provides certainty of the proposal before me.

Main Issues

3. The main issues of the appeal are:
 - the effect on the character and appearance of the host property and the area, and;
 - the effect on local highway conditions, with particular regard to matters of access and highway and pedestrian safety.

Reasons

Character and appearance

4. No 786 Hertford Road (No 786) is a two-storey mid terraced dwelling in a row of five, with the end of the row adjoining a grouping of semi-detached properties. It lies on a section of the road between the junctions with Oakhurst Road and Holmwood Road. Similarly, to other properties in the terraced row and the semi-detached properties immediately to the south it has a shallow front garden with hardstanding which at present is also commonly used to store bins. The predominant boundary treatment along the frontages of the terraced and semi-detached properties are low walls of varying styles, including those with brick piers and railings at the appeal site.

5. Notwithstanding the above, there are examples of alternative frontages such as those which are currently open with no front boundary treatments at No 782 and 784, the former having a parking area served by an existing dropped kerb and the latter including the presence of bollards on the adjoining footway which restricts comings and goings. However, the full circumstances which led to their presence are not before me and I observed that those examples are very much in the minority and that off-street parking along the frontages is otherwise not a common feature in this location due to the relatively shallow depth of frontages. In that context, the presence of existing vehicles parked on open frontages appears conspicuous and incongruous and therefore, is detrimental to the character and appearance of the area.
6. The introduction of a dropped kerb and creation of an off-street parking space on the frontage of No 786 with a vehicle parked during some periods of the day would further detract from and erode the broader rhythm of low boundary treatments enclosing property frontages. The loss of the boundary wall would introduce an additional open frontage which would have a cumulative effect with the others close by and would exacerbate the harm upon the character and appearance of the street scene. The evidence indicates that the approximate 3.8m depth of the frontage could accommodate a car between the footway and the existing bay window and entrance at ground floor level. However, based upon my own observations, the relatively shallow depth would be insufficient to park a significant proportion of modern vehicles in a perpendicular arrangement relative to the road. It could, therefore, necessitate alternative alignments or overhanging onto the footway which would draw further attention to the presence of a vehicle and worsen the harm identified.
7. In reaching the above findings, I have taken into account that there are examples of other open frontages on the opposite side of Hertford Road and on other parts of the street, including dropped kerbs and off-street parking areas. However, No 786 is located on a section of Hertford Road where the character of the terraced and semi-detached properties and their shallow frontages is different from other terraced rows, detached and semi-detached properties that are set back further from the road with additional space for parking areas and turning spaces. Furthermore, other examples such as No 770 are different as the parking area consists of a driveway serving a side garage whereby the shallow front garden of that property is otherwise retained. Consequently, the presence of a significant number of off-street parking areas and open frontages in the wider area is not justification for the harm arising from the proposal upon the character and appearance of the host property and its immediate surroundings on Hertford Road.
8. The appellant has raised the matter of whether the removal of the boundary wall could be undertaken without the need for planning permission. However, I have necessarily determined this appeal based on the proposal for which permission has been sought as part of the application before me. In any case, the possibility of such a fallback position does not justify the harm identified.
9. I conclude that the development would harm the character and appearance of the host property and the area. The proposal, therefore, conflicts with Policy CP30 of The Enfield Plan Core Strategy 2010 - 2025 (CS), adopted November 2010, Policies DMD37 and DMD46 of Enfield's Development Management Document (DMD), adopted November 2014 and Policies 7.4 and 7.6 of The London Plan - March 2016. When taken together, the policies seek

high quality design and that development proposals make a positive contribution to their surroundings, including regard for local character, context and streetscape. The policies are consistent with the National Planning Policy Framework (the Framework).

Highway conditions

10. Hertford Road (A1010) is a busy Principal Road with a 30mph speed limit for the single carriageway section that passes the site and it carries a high volume of traffic in both directions. At the time of my visit, on-street parking was present along the highway frontage of the property and its immediate surroundings, aside from the location of the dropped kerb fronting No 782 and double yellow line restrictions located close to the junctions with Oakhurst Road and Holmwood Road.
11. The proposed parking area within the site would be relatively limited in overall depth and despite the width of the frontage would not have sufficient space available for vehicles to turn within the site. Consequently, parking on the frontage would require either reversing manoeuvres onto or from a section of road where visibility of oncoming vehicles on the nearside carriageway is likely to be frequently restricted by on-street parking at the front of No 784 and other obstructions such as nearby lighting columns. Vehicles reversing from and onto the road where visibility is constrained and emerging between parked cars would increase the risk of accidents and collisions. Furthermore, it would be in circumstances where a passing driver's attention is likely to be focussed upon the nearby junction with Oakhurst Road which would increase the extent of the risk that they would have to stop suddenly and unexpectedly or swerve into the oncoming carriageway. I, therefore, consider that the proposed vehicular access would have a significant detrimental effect on highway safety.
12. In reaching the above findings, I observed that some off-street parking areas opposite and in the wider area also may not have sufficient space to turn a vehicle and therefore, would require reversing manoeuvres onto or from Hertford Road. However, the particular circumstances which led to those accesses being accepted are not before me. In any case, other than the existing driveway at No 782 that I also consider to be harmful, the driveways and accesses elsewhere which I observed do not replicate the harm identified as visibility in those areas is less restricted by on-street parking and/or further away from junctions. Although there are potential benefits of the proposal in terms of reducing the demand for on-street parking on Hertford Road and removal of an existing on-street space to facilitate the dropped kerb, an increase in off-street parking capacity does not outweigh the harm identified in terms of highway safety.
13. In terms of pedestrian safety, there is potential that the use of the frontage for parking would result in the possibility of some vehicles overhanging the footway despite its measurements exceeding the minimum dimensions in the Enfield Vehicle Crossover guide. However, notwithstanding the possible consequences in that respect relative to other legislation, the footway of itself would remain of sufficient width to ensure that pedestrians would not need to use the carriageway as an alternative. Furthermore, the presence of only low boundary treatments in the immediate vicinity would ensure that pedestrians would be fully aware of vehicles entering and leaving the parking area, and vice versa, with enough time to react to minimise the risk of accidents on the

footway. However, the absence of concern in that respect is a neutral factor which does not otherwise justify the identified harm upon highway safety.

14. I conclude that the development would have a significant detrimental effect on local highway conditions with regard to highway safety. The proposal, therefore, would conflict with Policy CP24 of the CP, Policy DMD46 of the DMD and Policy 6.13 of The London Plan, together with the Enfield Vehicle Crossover guide in so far as it seeks to prevent vehicle crossovers where visibility is restricted. When taken together, the policies seek that development provides safe access in accordance with adopted highway standards, including that planning permission for a new access onto A roads and other busy classified roads will not normally be permitted and that vehicles can enter and exit the crossover in forward gear. The policies are consistent with the Framework in so far as they seek to ensure that safe and suitable access to sites can be achieved for all users and to prevent an unacceptable impact on highway safety.

Conclusion

15. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Gareth Wildgoose

INSPECTOR