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## Appeal Decision

Site visit made on 24 February 2020 by Scott Britnell MSc FdA

**Decision by Anne Jordan BA(Hons) MRTPI**

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

**Decision date: 6<sup>th</sup> April 2020**

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**Appeal Ref: APP/R5510/D/19/3241154**  
**116 Hartland Drive, Ruislip HA4 0TJ**

- 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 Mariusz Bogdanowicz against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 12746/APP/2019/2413, dated 17 July 2019, was refused by notice dated 19 September 2019.
  - The development proposed is described as 'parking space in the front garden and installation of a dropped kerb'.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matters

3. Following the decision on the planning application, the Council of the London Borough of Hillingdon adopted a new Local Plan (LP)<sup>1</sup>. During the appeal process, the parties were asked to confirm which policies they considered were relevant to the determination of the appeal, and I have taken their comments into account.

### Main Issue

4. The main issue in this matter is the effect of the proposal on highway safety.

### Reasons for the Recommendation

5. The appeal site comprises a terraced property on the south western side of Hartland Drive within a built up residential area. The proposal includes the provision of a parking space within the front garden with access on to the highway. Policy DMT6 of the LP states that development proposals must comply with the parking standards outlined in Appendix C Table 1. The appendix states, among other things, that the minimum dimensions of a standard parking bay are 2400mm x 4800mm. Further, car parking spaces for

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<sup>1</sup> London Borough of Hillingdon Local Plan Part 2 Development Management Policies Adopted Version 16 January 2020.

dwelling houses should ensure that the positioning of the car park does not cause the parked vehicle to overhang the pavement.

6. The submitted drawing indicates that a parking space of 2601mm in width can be provided to the front of the property. With regards to length, the drawing indicates that the maximum depth of the front garden is 4926mm. These measurements are not disputed. However, the property has a bay window and the parking space would be located directly in front of this feature, reducing the depth of the space. The Council states that the depth of the front garden in this area is 4.1 metres, which is not disputed by the appellant. The proposal therefore fails to provide the required parking bay dimensions in terms of length.
7. Given the restricted depth of the parking space there would be a high probability that anything other than the smallest of vehicles would be likely to overhang the pavement. The obstacle that a parked vehicle would provide may result in pedestrians having to step into the carriageway, particularly if they were pushing a pram or wheelchair, which could result in conflict with vehicles using the road. The proposal would therefore be likely to be harmful to highway safety, including the safety of pedestrians.
8. In reaching this conclusion, I note the appellant's suggestion that vehicles could park diagonally within the front garden to avoid overhanging the pavement or that a car parking turntable could be installed, which, it is alleged, could be secured by a suitably worded condition. However, no details of either of these suggestions have been provided. Moreover, a scheme that includes the provision of a car parking turntable would, to my mind, fundamentally alter the nature of the scheme and so would necessitate a separate planning application.
9. The appellant also suggests that if the maximum dimensions on the submitted drawing were amended to meet the Council's standard size of 2.4 x 4.8 metres, this would allow additional space for pedestrians and highway safety. However, no information is given as to how this might be achieved in practice and so I give this matter no weight. I have also been referred to a number of vehicular crossover/access proposals within the immediate area. While I observed a number of these, I have no indication of whether these other examples are subject to formal approval and, in any case, their presence would not reduce the harm that would occur in this case. Furthermore, each case must be considered on its own merits. Consequently, I do not consider that the presence of other parking spaces and vehicle crossovers in the area justifies the proposal. I also note the absence of any concerns regarding the effects of the proposal on the character and appearance of the area. However, this is a neutral factor which does not diminish the harm identified above.
10. I conclude that the proposal would result in harm to highway safety, in conflict with Policies DMT2 and DMT6 of the LP. These require, among other things, that development proposals ensure that safe and efficient vehicular access to the highway network is provided to the Council's standards and that they do not contribute to the deterioration of safety of all road users and residents. The proposal would also conflict with guidance in the National Planning Policy Framework which seeks to ensure that safe and suitable access to the site can be achieved for all users.

### **Conclusion and Recommendation**

11. For the reasons given above, I recommend that the appeal should be dismissed.

*Scott Britnell*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Anne Jordan*

INSPECTOR