



Appeal Decision

Site visit made on 10 March 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/W5780/D/19/3244085

7 Goodmayes Lane, Goodmayes, Ilford IG3 9PB

- 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 Raikhana Malik against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 3094/19, dated 19 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is described as: Widening of existing crossover from 2.71m to a maximum of 4.80m.
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Decision

1. The appeal is allowed, and planning permission is granted for widening of existing crossover from 2.71m to a maximum of 4.80m at 7 Goodmayes Lane, Goodmayes, Ilford IG3 9PB in accordance with the terms of the application, Ref: 3094/19, dated 19 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Drawing Number JS/JP/1305/01; and Drawing Number JS/SP/1305/02.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site.

Reasons

3. The appeal building is one half of a pair of semi-detached houses. The entire frontage between the house and the footway of Goodmayes Lane, in common with the majority of other houses on this part of the street, is entirely hard surfaced and used for the parking of a vehicle or vehicles. The appeal building has an existing dropped kerb and footway crossing that is shared with the neighbouring house. The dropped kerb serving both properties is located wholly within the painted markings of a bus stop, as is the dropped kerb serving the neighbouring property at number 9 Goodmayes Lane. The column with the bus stop flag is located roughly between numbers 9 and 11 Goodmayes Lane to the south of the appeal building. Goodmayes Lane is a busy main road which at the time of my site visit was carrying a regular, two way, flow of vehicles of all kinds.

4. Policy LP23 of the Redbridge Local Plan 2018 (the local plan) sets out that new development should provide car parking spaces to achieve a minimum size of 4.8 by 2.4 metres. The National Planning Policy Framework (the Framework) states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety.
5. Local Plan Policy LP22, which is cited in the reason for refusal, promotes sustainable transport in terms of the location of development, supporting transport projects that improve the public transport network, and supporting the delivery of Crossrail and improvement to stations on the Central Line. The only reference to this Policy in the Planning Officer's report is in connection with the width of the resulting dropped kerb and vehicular crossing and there is no explanation of the manner in which the appeal proposal offends the requirements of Policy LP22. Having regard to the wording of the Policy, I do not consider that it is relevant to the appeal proposal.
6. It is common ground between the parties that the frontage of the property between the back of the footway and the closest part of the front elevation of the house is approximately 4.67 metres in depth, as shown on the submitted drawings. This is less than the minimum dimensions of a parking space required by Local Plan Policy LP23. The Council is concerned that vehicles parked on the house frontage would overhang and obstruct the footway. I note that the Council state that, at present, a vehicle can park at angle on the forecourt area which prevents this from happening.
7. Notwithstanding the appellant's submissions which illustrate the length of several contemporary saloon cars, all of which could be accommodated on the present depth of the forecourt, I am also mindful that, at present, the entirety of the house frontage is hardstanding. The appeal proposal did not seek permission to create a new or extended vehicle hardstanding and the planning application form only seeks planning permission for the extension of the dropped kerb and footway crossing, which is required as Goodmayes Lane is a classified road. When I visited the site, I saw that on the many other hardstandings at similar properties on Goodmayes Lane vehicles could be parked perpendicular to the footway without overhanging it. I accept that a particularly long domestic vehicle may encroach slightly onto the footway, however, the degree of encroachment would not be significant as the depth of the existing hardstanding only falls short of the Policy requirement by 0.13 metres.
8. The Council's primary concern, as set out in the reason for refusal and the Planning Officer's report, is regarding the width of the resulting vehicle crossing and its position within the marked area of the bus stop. When I visited the site, I spent some time observing the bus stop. I saw that passengers waiting at the bus stop queued on the footway from the bus stop flag and across the frontage of number 9 Goodmayes Lane. It was only for a short period immediately preceding the arrival of a bus that the queue extended over the frontage of the appeal building. I also noted from the timetable displayed at the bus stop that it only serves one bus service that stops approximately every 11 to 13 minutes between 09:00 and 19:00 and approximately every 20 minutes at other times. The frequency of 11 to 13 minutes tallies with my observations whilst I was at the site. Whilst I recognise that this is just a snapshot of the conditions at the time during which I was present in the area,

in the early afternoon on a normal weekday, there is no evidence before me that would indicate that this is not typical of the conditions at the site.

9. Although the circumstances are such that there will inevitably be some degree of conflict between vehicles accessing the hardstanding and pedestrians, the hardstanding exists and is in use at present. There is no evidence before me which would indicate that the appeal proposal would significantly increase the number of vehicle movements. I also note that the vehicle crossover and dropped kerb serving number 9 Goodmayes Lane is immediately adjacent to the post supporting the bus stop flag and much closer than the crossing that would result from the appeal proposal. Directly opposite the appeal site, there is another bus stop serving buses traveling in the opposite direction which has its flag and shelter located between two vehicular crossings.
10. From what I saw during my site visit, due to the frequency of the bus services and the distance from the bus stop flag to the edge of the proposed extended footway crossing, the potential for conflict between vehicles and passengers waiting at the bus stop would be low. Any vehicle approaching the property with the intention of accessing the hardstanding travelling south would be slow moving in order to execute the manoeuvre off the carriageway. Due to the busy nature of Goodmayes Lane, vehicles travelling north would have to wait for a gap in oncoming traffic to enter the site. In these circumstances both bus passengers and motorists would have sufficient opportunity to react to the others presence. This would also be the case for pedestrians using the footway for passing through the area.
11. Although visibility splays are not indicated on the submitted drawing, and the Council has not stated what dimensions it would require, I note that the new footway crossing would be more than 2 metres from the property boundary. There is a low wall with piers and railings on the common boundary with the property at 9 Goodmayes Lane. From my site visit I am satisfied that, due to the distance of the proposed footway crossing from the boundary, a motorist manoeuvring off the driveway to join the main carriageway and pedestrians using the footway would have adequate intervisibility.
12. The appeal proposal would result in a small number of additional vehicle movements across the footway which may have some slight effect on highway safety. Nevertheless, this presently occurs along both sides of Goodmayes Lane, and I note that the Highway Authority were consulted on the proposal and did not raise any objections to it. No evidence in the form of accident records has been put to me and within the above context, whilst there may be an effect on highway safety, there is no compelling evidence that this effect would be unacceptable.
13. I therefore conclude that the proposed development would not cause harm to the safe operation of the highway in the vicinity of the appeal site. Whilst the hardstanding area at the appeal building does not wholly comply with the requirements of Local Plan Policy LP23 in terms of its dimensions, this is a pre-existing hardstanding area that is currently used for parking and did not form part of the appeal proposal. The Framework sets out that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety and from what I have read, and from what I saw when I visited the site, the appeal proposal would not have an unacceptable effect. These are material considerations that would indicate that permission

can be granted for a development which does not wholly comply with a policy in the development plan.

Conditions

14. In order to provide certainty regarding what has been granted planning permission, I have attached a condition specifying the approved drawings. The Council has suggested that a condition is required in respect of matching materials. The proposed works are within the highway boundary and such works would either have to be carried out by the Highway Authority on behalf of the appellant or be undertaken to the specification required by the Highway Authority. Consequently, I do not consider that this condition is necessary.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR