
Appeal Decision

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2020

Appeal Ref: APP/M5450/D/20/3244302

428 Eastcote Lane, South Harrow, Harrow HA2 9AL

- 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 Hameed Mardani against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/3672/19, dated 20 August 2019, was refused by notice dated 16 October 2019.
 - The development proposed is described on the application form as 'This application seeks approval for a vehicle crossover with a dropped kerb, in front of 428 Eastcote Lane' (sic).
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Decision

1. The appeal is allowed and planning permission is granted for proposed vehicle access at 428 Eastcote Lane, South Harrow, Harrow HA2 9AL in accordance with the terms of the application Ref P/3672/19, dated 20 August 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: 428EL P1.

Procedural Matters

2. In response to the current exceptional circumstances resulting from the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the Appellant and the Council have agreed to the appeal proceeding on this basis.
3. The Council have described the development as 'proposed vehicular access'. I note that the appellant has also utilised this description on their appeal form. I consider that the Council's revised description provides a succinct and accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description.
4. In their evidence the Council have referred to the policies of the emerging London Plan 2017. However, this plan has not yet been published. Consequently, I have afforded these policies limited weight.

5. I have also noticed an apparent typographical error in the Local Planning Authority's issued decision notice which dates the adoption of the current London Plan as being '2019' rather than '2016' and in the interests of fairness I have assessed the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposed development on highway safety.

Reasons

7. The appeal site is located to the front of a two-storey mid-terrace dwelling on Eastcote Lane and is also adjacent to a tactile pedestrian crossing. The surrounding area is predominately residential comprising similar dwellings to the appeal property. Many of the properties on Eastcote Lane have installed vehicle crossovers with dropped kerbs allowing vehicles to be parked on driveways and areas of hardstanding to the front of these properties. A vehicle crossover has been installed to the front of the adjacent property no. 430 and permission has recently been granted to also install one to the front of no. 426.
8. From the information before me it is apparent that on-street parking is limited on Eastcote Lane, with much of it having double-yellow lines and no off-street parking to the rear of the dwellings. Clearly, this means that the front driveways and hardstanding areas of the dwellings on Eastcote Lane are the only means available to many residents to safely park their vehicles off the street.
9. The proposal would provide a vehicular crossover to the front of no. 428 by extending the one being installed to the front of the adjacent property no. 426. It would have a dropped kerb which would taper upwards to match that of the adjacent pedestrian crossing. This would leave a gap of approximately 1.8 metres between the flat, central area of the pedestrian crossing (containing the tactile paving tiles) and the flat portion of the proposal's dropped kerb. As a result, even though the proposal would be close to the tactile crossing, I consider this gap to be wide enough to allow a pedestrian to safely and conveniently use it.
10. Furthermore, given the high prevalence of vehicular crossovers on this section of Eastcote Lane (and its 30 mile per hour speed limit), it would also be reasonable to think that vehicles using these crossovers would not be doing so at high speed. Indeed, the Highway Authority have not objected to the proposal, and I have been supplied with no substantive evidence that would lead me to disagree with their position.
11. Accordingly, I find that the proposal would not have an adverse impact on highway safety and being mindful of Paragraph 109 of the *National Planning Policy Framework* (the Framework) see no reason why the proposal should be refused. I therefore conclude that the proposal would accord with Policy 6.10 of the London Plan Spatial Development Strategy for London Consolidated with Alterations since 2011 (adopted March 2016) (London Plan) and Policy DM 42 of the Council of the London Borough of Harrow Development Management Policies Local Plan (adopted July 2013), which seek to protect highway safety and ensure high quality pedestrian environments, amongst other considerations.

Conditions

12. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision. However, I have not imposed the standard condition suggested by the Council requiring the use of matching materials as I do not consider this to be relevant or necessary in this case.

Conclusion

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

C Coyne

INSPECTOR