



Appeal Decision

Site visit made on 25 August 2020 by Scott Britnell MSc FdA MRTPI

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/L5810/D/20/3252246

163 Waldegrave Road, Teddington TW11 8LU

- 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 Robin Jones against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref 19/03908/HOT, dated 29 December 2019, was refused by notice dated 27 February 2020.
 - The development proposed is described as 'application for a dropped kerb'.
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Decision

1. The appeal is allowed and planning permission is granted for a dropped kerb at 163 Waldegrave Road, Teddington, TW11 8LU in accordance with the terms of application Ref 19/03908/HOT, dated 29 December 2019, and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the approved plans: OS, P-003 Rev 002, P-002 Rev 003.
 3. The vehicle turntable shown on approved drawing P-002 Rev 003 shall be installed and in full working order prior to the first use of the parking area for vehicle parking and shall be maintained free for that purpose in perpetuity.

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. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposed development comprises the provision of a vehicular access onto a classified road and a vehicle turntable. The Council dealt with the proposal on this basis, albeit they have referred to the development as a dropped kerb, and so shall I.
4. In the formal decision above, I have revised the wording of the proposed development, removing the word 'application' as this is not a form of development.
5. The application form names the applicant as Jones. The name of the appellant, Mr Robin Jones, in the banner header above is taken from the appeal form. I

have taken Mr Robin Jones to be the applicant and so is eligible to make this appeal.

6. A number of drawings were provided by the Council in this matter. As it was not clear which of these drawings had been considered in the final decision and which had been superseded, I asked both parties for confirmation. In light of the response I have received I have assessed the appeal in relation to drawings OS, P-003 Rev 002 and P-002 Rev 003.

Main Issue

7. The main issue in this matter is the effect of the proposal on highway safety and the effective operation of the highway network.

Reasons for the Recommendation

8. The appeal site is located on the west side of Waldegrave Road. I observed the road was busy with a steady stream of traffic passing the appeal site. While my observations represent a snapshot in time, there is nothing to indicate that the road conditions I witnessed were not typical. The proposal is to provide access onto the classified road and to create a parking area with a vehicle turntable in the front garden.
9. There is insufficient room to turn a vehicle within the front garden so that vehicles would need to either reverse in or out of the site. This would reduce the visibility for drivers exiting the site and it is likely that they would be unable to see other road users, including cyclists and pedestrians until their vehicle is on the highway. This would increase the risk of collision between highway users in this location, which would be harmful to highway safety. However, the proposal includes a turntable which would enable users of vehicles to enter and exit the site in forward gear.
10. Notwithstanding this, the Council are concerned that due to the width of the appeal site, visibility afforded to drivers exiting the site is less than that required under the London Borough of Richmond upon Thames Front Garden and Other Off Street Parking Standards Supplementary Planning Document, September 2006 (SPD). This requires a site frontage of a minimum 7.2 metres in width and pedestrian sightline envelopes of a minimum of 2.1 metres by 2.4 metres to be achieved within the site.
11. I observed that the properties to either side of the appeal site benefit from off-street parking in their front gardens. As a result, their front boundary treatments have been greatly reduced. Consequently, users of vehicles exiting the appeal site would have adequate visibility across these properties to enable them to exit the site safely. In reaching this conclusion, I am mindful that the appellant has no control over the adjacent land and so it would be possible that changes take place that would reduce the visibility afforded now. However, I have assessed the proposal based on the current conditions.
12. I also observed that there are many off-street parking areas in proximity of the appeal site on either side of Waldegrave Road. As such, it is likely that other road users, including pedestrians and cyclists, would be aware of the potential movement of vehicles on and off the front of properties. Moreover, the speed limit on this section of Waldegrave Road is 20 mph, so that vehicles are unlikely to be travelling at great speed. Collectively, these elements further lead me to consider that the proposal would not significantly alter the existing situation with regards to highway safety in the area.

13. Turning to the effective operation of the highway, vehicles accessing and exiting the appeal site are likely to require other vehicles and road users to stop temporarily. Nevertheless, this is likely to be a common occurrence along this section of Waldegrave Road given the number of off street parking areas that are present. The appeal proposal would not significantly add to this situation and would not have a severe residual cumulative impact on the road network. Consequently, the proposal would not cause harm to the effective operation of the highway network.
14. I conclude that the proposal would not result in harm to highway safety or its effective operation. It would therefore accord with Policy LP 45 of the London Borough of Richmond upon Thames Local Plan, as adopted 3 July 2018, which states, among other things, that the Council would resist the provision of front garden parking unless it can be demonstrated that there would be no material impact on road or pedestrian safety. It would also accord with Paragraph 109 of the National Planning Policy Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, although the proposal would fail to comply with the advice contained in the SPD with regards to the width of the frontage of the site and pedestrian sightlines, the context of the site is such that this would not result in harm to highway safety or the effective operation of the highway network.

Conditions

15. The Council have suggested conditions that it would like to see imposed in the event that the appeal is allowed. I shall attach the standard plans condition for clarity.
16. I have considered whether it would be necessary, given my findings, to require vehicles to only access and exit the proposed parking area in forward gear. However, I do not consider that such a requirement is enforceable. Moreover, the proposal includes the provision of a turntable, which would ensure that vehicles are able to enter and exit the site in forward gear. To ensure that this is provided and to safeguard any potential highway safety issues, I shall attach a condition that requires the provision of the turntable prior to the parking area being brought into use.

Conclusion and Recommendation

17. For the reasons given above, I recommend that the appeal should be allowed subject to the conditions set out above.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed subject to the conditions set out above.

K Taylor

INSPECTOR