



Appeal Decision

Site visit made on 14 October 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/U5930/D/19/3243185

134 Grove Green Road, London E11 4EL

- 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 Iqbal Dhalech against the decision of the Council of the London Borough of Waltham Forest.
 - The application Ref 191848, dated 8 May 2019, was refused by notice dated 26 September 2019.
 - The development proposed is formation of dropped kerb/vehicle crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on pedestrian and highway safety.

Reasons

3. The appeal relates to a mid-terrace house fronting a classified road. Double yellow lines restricting roadside parking. The front garden does not have a front enclosure and is hard surfaced. The Council has installed 5 bollards along the kerb line to prevent a vehicle crossing the public footway to the site.
4. The depth of the front garden at 3.85m according to the appellant is much less than the minimum 4.8m normally considered suitable by the Council for a crossover. It would not be possible to use a planning condition to restrict parking to a small car. There would be a risk therefore that a parked vehicle could overhang the footway and pedestrians, including those with pushchairs, encouraged to step on to the road. The site fronts a busy stretch of Grove Green Road between a signal controlled junction and the junctions with Elm Road and Warren Road where many vehicles turn. A car would need to reverse on to or off the site which would be hazardous in these circumstances. The proposal would be contrary to Policies DM16 and DM29 of the Waltham Forest Development Management Policies (2013) which promote appropriately sited and designed parking spaces that are not hazardous to pedestrian and highway safety.
5. There are no vehicle crossovers in this terrace. The appellant has referred to a crossover opposite and to several in other parts of Grove Green Road, but these would appear to be mainly subject to historic permissions, implemented prior to the adoption of current policies. Moreover, they are located where site and road circumstances differ from at the appeal site.

6. I have noted the 'Crashmap' data submitted by the appellant which indicates no serious or fatal incidents close to the appeal site in the last 20 years. This does not alter my opinion that the introduction of a vehicular access here would be hazardous to pedestrian and highway safety.
7. I have noted the letter submitted by the appellant's doctor in support of the proposal and the presence of businesses in Elm Road and other roads nearby that can make it difficult to find an on-street parking space near to the house. I am mindful of the personal circumstances indicated but planning is primarily concerned with land use in the public interest. Even on a time-limited basis, the personal circumstances would not outweigh the harm I have identified in relation to pedestrian and highway safety.
8. The PTAL data submitted shows the site has moderate accessibility to public transport options, as do other dwellings nearby. Such accessibility does not imply need for dedicated parking in general or justification for the proposed access to enable off-street parking at the site.

Conclusion

9. The proposal would have a hazardous effect on pedestrian and highway safety. For the reasons given and having regard to all other matters raised the appeal should be dismissed.

Rory MacLeod

INSPECTOR