
Appeal Decision

Site visit made on 22 September 2020 by C McDonagh BA (Hons) MA MRTPI

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/Q5300/D/20/3254475

66 Winchmore Hill Road, Southgate, London N14 6PX

- 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 and Mrs Maytar against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/00688/HOU, dated 26 February 2020, was refused by notice dated 13 May 2020.
 - The development proposed is creation of hardstanding and vehicular access.
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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.

Preliminary Matter

3. At the time of my visit, the hardstanding had been installed at the site, which the appellant considers was carried out as permitted development. Be that as it may, it is not my role to determine its lawful status in the context of a section 78 appeal. Moreover, I have not been made aware of an application for a certificate of lawful development. As such, I have determined the appeal on the basis of the plans and evidence before me.

Main Issues

4. The main issues are the effects of the proposal on the safety and convenience of users of Winchmore Hill Road (WHR) and on the character and appearance of the area.

Reasons

Highway safety

5. The proposed plan indicates there would be little room to manoeuvre within the parking area. This would mean at least one movement entering or exiting the site would be in reverse gear. The likely scenario would involve drivers entering in forward gear and having to reverse out onto oncoming traffic on WHR. This arrangement would pose an obvious and significant risk to pedestrians and

highway safety for road users given the already reduced visibility when reversing. Conversely, should the driver reverse into the site, this would involve having to stop in the road to gain a suitable position to perform the manoeuvre, impeding the efficient operation of the highway network in the vicinity of the appeal site. While I note the lack of accident data, this does not convince me the above would be safe. Moreover, no visibility splays are indicated on the plans to demonstrate adequate sight lines from the site.

6. The proposal would cause the loss of some on-street parking to the front of No.66, albeit with the creation of one off-street space. While I note driveways are common in the area, the creation of another off-street space would not fully replace the unrestricted on-street space(s). The proposal would therefore increase on-street parking pressure. While the removal of on-street parking to the front of No.66 may improve sight lines for drivers exiting No.64, this would not outweigh the harm I have identified in other respects.
7. Accordingly, the crossover would cause harm to the safety and convenience of users of WHR, contrary to Policy DMD46 which requires that vehicles can enter / and exit the crossover in forward gear, Policies DM45 and DMD47 of the Enfield Development Management Document (DMD), Policy CP30 of the Enfield Plan Core Strategy (CS) and Policies 6.3, 6.11, 6.12 and 6.13 of the London Plan (LP). Collectively, these seek to ensure development does not cause adverse impacts on the road safety and free flow and safety of traffic on the adjoining highway.

Character and appearance

8. The area comprises houses of a similar style built on a distinct building line, set back from the road behind front gardens. A large proportion of those front gardens have been altered to form parking spaces such that over time the appearance of the area has changed significantly. The installation of hardstanding at the appeal site has also led to the loss of a front garden. Nevertheless, the proposal seeks to reinstate an area of landscaping which would soften its impact. Whilst there would be a loss of verge to facilitate the access, this would be limited in terms of its scale and commensurate with other gaps in the verge along this part of the street. On that basis, the proposal would reflect the prevailing character and appearance of the street scene.
9. Therefore, to conclude on this second main issue, the proposal would not harm the character and appearance of the area and would not conflict with Policies DMD37 and DMD46 of the DMD, CP30 of the CS and 7.4, 7.5 and 7.6 of the LP. Collectively these seek to ensure there is no negative impact on the existing character of the area and streetscape.

Other matters

10. The appellant has submitted personal information in support of the proposal which I have taken into consideration. I acknowledge there would be a personal benefit to the appellant in being able to always park closer to the house. This matter carries limited weight in favour of the scheme but does not outweigh the harm I have identified which carries significant weight.
11. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality

of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Nevertheless, for the reasons set out above, it does not follow from the PSED that the appeal should succeed and the benefits as set out do not outweigh the harm I have identified.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR