
Appeal Decision

Site visit made on 21 October 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020

Appeal Ref: APP/U5360/W/20/3244609

55-61 Cazenove Road, London, N16 6PA.

- 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 North London Muslim Housing Association against the decision of the Council of the London Borough of Hackney.
 - The application Ref. 2019/1371, dated 08 April 2019, was refused by notice dated 11 July 2019.
 - The development proposed is the demolition of a section of boundary wall fronting Alkham Road and demolition of the front wall separating 57 and 59 Cazenove Road and installation of a dropped kerb onto Alkham Road to facilitate vehicular access onto the site.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have used the description of the development drafted by the Council as it better describes the nature of the work set out in the application forms and shown on the submitted plans.

Main Issue

3. The main issues are the effect of the proposed alterations and new access on highway safety and on the availability of on-street parking locally.

Reasons

Background

4. The appeal site comprises four attached mainly two storey properties which front Cazenove Road but the end property No.59 also lies alongside Alkham Road close to the junction of the two roads. At the moment the hard surfaced forecourts are enclosed by a low wall. It is proposed to demolish a segment of the wall between No.57 and 59 and also along the Alkham Road frontage to form an access to that road and mark out 5 parking spaces and manoeuvring space. The site lies in the Northwold and Cazenove Conservation Area.

Effect on highway safety

5. The appellant stresses that the formation of a new access to an unclassified road can be 'permitted development', however, these circumstances do not apply in this case as the proposal is bound up with the demolition of part of the

existing wall in a conservation area. The highway aspects therefore need to be considered on their individual merits.

6. Development Management Local Plan Policy DM47 encourages car free developments particularly in areas where there is a high accessibility level to public transport and where off-street parking would be likely to cause a conflict with pedestrians and other road users.
7. In this case, the five off-road parking spaces illustrated would have a relatively limited manoeuvring space within the site even with the demolition of most of the internal wall between No's 57 and 59. Consequently it is likely that cars would need to reverse in/out on to Alkham Road. The appellant suggests that with a lower number of cars it may be possible to enter and exit the site in a forward gear, but the space available looks to be too tight. Realistic turning space needs to be clearly shown in a layout and this has not been demonstrated.
8. Although the side boundary wall is relatively low at this point offering some visibility, the close proximity of the proposed access to the junction with Cazenove Road would be likely to lead to cars reversing out into the path of vehicles coming around the junction or approaching from the north along Alkham Road. This would not be in the interests of highway safety and there is a conflict with part (iv) of Policy DM47.
9. I have taken account of the appellant's submission that some of the other properties in the vicinity of the site have off-road parking on forecourts /front gardens, but in the main these did not appear to me to be in such close proximity to a junction and these parking areas do not add much weight to the merits of the appeal scheme.

Loss of on-street parking

10. The Council and the highway authority object to the loss of one space of on-street parking in a Controlled Parking Zone, however it appeared to me that the actual area where it is proposed to demolish a section of side boundary wall does not lie opposite a parking space but to a part of the highway where any parking is restricted by double yellow lines. Therefore, while there would not be a loss of an on-street parking space, the parking restrictions on the corner are there to protect the visibility around the junction. The presence of the double yellow lines reflects my concern above about the proximity of the proposed access to the junction.

Effect on Conservation Area

11. The Council did not object to the demolition of parts of the walls in the Conservation Area, however, concern over this aspect was raised by other parties. I have placed considerable importance and weight on the desirability of conserving this heritage asset however, I find that the proposal would preserve the principal walls around and within the site. The character and appearance of the Conservation Area as a whole would therefore be preserved and the statutory test applying to this heritage asset is met.

Other matters

12. Objections to the impact on views out of windows and loss of communal areas are raised by tenants of the buildings but these are largely private matters

concerning the operation of the premises by the housing association and are beyond the scope of this appeal.

Planning balance

13. On the main issue I have found that the proposed demolition of walls to facilitate a parking area and access to the highway would be likely to result in a highway danger due to vehicles having to reverse out of the site in close proximity to a junction. This harm means the proposal conflicts with the relevant part of the development plan. The factors raised in support of the proposal do not outweigh this harm and this indicates that the appeal should not be allowed.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR