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# Appeal Decision

Site visit made on 10 November 2020

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 November 2020**

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**Appeal Ref: APP/Q5300/D/20/3253906**

**161 Southbury Road, Enfield, London EN1 1QP**

- 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 Aynul Ahmed against the decision of the Council of the London Borough of Enfield.
  - The application Ref 20/00791/HOU, dated 4 March 2020, was refused by notice dated 7 May 2020.
  - The development proposed is described as: 'Proposal for Dropped Kerb in front of driveway of 161 Southbury Road, Enfield, EN1 1QP. Dropped kerb to be 2.4 metres in length for crossover to driveway'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appellant has confirmed that whilst his Statement<sup>1</sup> indicates that a dropped crossing of 4.48m in width is sought, the proposed width is 2.40m as shown on the submitted drawings. I have dealt with the appeal on this basis.
3. For clarity, I have added 'London' to the address in the banner heading above as it is more precise.

## Main Issue

4. The main issue of this appeal is the effect of the proposed development on highway safety.

## Reasons

5. Southbury Road is a classified 'A' road that is well utilised by pedestrians and motorists alike. The carriageway comprises 2no. lanes with no restrictions on either side of the road in the immediate vicinity of the appeal site. Although, there are zig-zag markings close to the site due to the pedestrian crossing. The appeal site comprises a mid-terraced house that already has a parking space for one vehicle.
6. Core Policy 24 of the Council's Core Strategy 2010 (CS) seeks to deliver improvements to the road network to improve safety, amongst other things. Policy DMD 46 of the Council's Development Management Document 2014 (DMD) specifically relates to vehicle crossovers and dropped kerbs, which confirms that planning permission for a new access onto 'A' roads will not normally be permitted and will only be permitted subject to various criteria.

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<sup>1</sup> 4.0 The Proposed Development

7. During my visit, I noted that a number of properties in the vicinity of the appeal site have vehicles parked to the front, many of which do not benefit from a dropped crossing, but I also note that some properties have dropped crossings, including No 163 Southbury Road that adjoins the host dwelling. I acknowledge, the photographic examples in the appellant's submission and reference to a planning application<sup>2</sup> at 165 Southbury Road for a similar development approved in 2017, but this has not yet been constructed. However, limited details have been provided regarding the particular planning backgrounds to these schemes. Without such information a detailed comparison between the referenced schemes and the case before me cannot be drawn except insofar as I was able to observe and assess the sites at my visit.
8. Whilst recognising the advice contained within the Council's Technical Standards<sup>3</sup> (TS), particularly regarding 'Road Safety' I am not convinced on the details before me that the level of visibility, which motorists would be afforded, would be sufficient, with particular regards to the boundary treatment at No 159 Southbury Road, comprising a brick wall and tall pillars. In any event, it has not been demonstrated within the evidence that a vehicle could enter the and exist the crossover in a forward gear<sup>4</sup>. Thus, on the details before me, I cannot be certain that no adverse highway safety issues would arise.
9. For the reasons given above, I conclude that the proposed development would significantly harm highway safety. This would be contrary to the highway safety aims of CS Core Policy 24, DMD Policy DMD 46 and the guidance contained within the TS.
10. CS Core Policy 30 and Policy 6.13 of the London Plan 2016 have been cited on the Council's decision notice, which relate to parking and maintaining and improving the quality of the built and open environment. Therefore, I find these policies are not directly applicable to the case before me.

### **Other Matter**

11. I have also had regard to concerns raised by the appellant about the way that the Council handled the application, but this does not affect the planning merits of the case. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

### **Conclusion**

12. Given my findings above, the proposed development would result in harm to highway safety, which would conflict with parts of the social objectives set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development.
13. Taking all matters into consideration, I conclude that the appeal should be dismissed.

*W Johnson*

INSPECTOR

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<sup>2</sup> 17/04427/FUL

<sup>3</sup> Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers) 2013

<sup>4</sup> DMD Policy DMD 46 f.