

Appeal Decision

Site visit made on 26 October 2020

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/Q5300/D/20/3249674

45 Wilbury Way, Edmonton, London, N18 1BU

- 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 Qamil Disha against the decision of Enfield Council.
 - The application Ref 19/04118/HOU, dated 3 December 2019, was refused by notice dated 5 February 2020.
 - The development proposed is to form a hard standing for a single vehicle in accordance with the guidance set out by Enfield Council.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on highway safety.

Reasons

3. The proposal would result in the front garden of this property being used for the parking of a vehicle. Turning within the site would not be possible. Drivers would therefore have to reverse either into the property or from it. Whilst the appellant advises that it is more likely and safer to reverse into the parking space, as this manoeuvre cannot be controlled, it is necessary to consider both options.
 4. The appellant does not control the land to either side of the property. As the access would be located away from the western boundary, visibility between the driver of a car reversing out and on-coming pedestrians from the west would be assured given the height of the front boundary wall and the pedestrian gate proposed. Given the proximity to the eastern boundary, planting within the front corner of the neighbouring property would limit visibility, particularly for a reversing motorist, when leaving the garden. This would increase the potential for conflict with pedestrians. Its location close to a school, adds to this concern.
 5. The pavement is quite wide and as a result, the driver of a reversing vehicle would have a clear view of oncoming traffic from the east, although this is not the critical direction. Views to the west would be hampered by the presence of parked vehicles within the designated on-street parking spaces and any larger
-

vehicles would be particularly problematic. The road itself includes a central reservation that is painted to separate the two lanes of traffic as they approach and leave the mini-roundabout to the east. This has the effect of manoeuvring traffic from centrally within the road, past the parked vehicles and towards the pavement when approaching the pinch point, near this property, at the traffic sign island within the central area between lanes.

6. The highway layout should prevent manoeuvres from the site into the west bound lane as it would be across the painted central reservation, although this cannot be guaranteed. Of greater concern however would be a vehicle manoeuvring in reverse gear into the on-coming traffic from the west when obscured from view by the parked vehicles. Whilst it has been suggested that this is not a heavily trafficked road, there was certainly sufficient traffic during mid-morning when I visited to suggest that this would be an issue. I consider this likely to be a greater concern during school opening and closing times and busier times of the day.
7. The central road markings and the mini-roundabout and its associated pedestrian crossing islands may encourage drivers to exercise more care when approaching this property but I am not persuaded that this new facility would not result in increased potential for conflict with pedestrians and other road users. I agree with the Council that the proposal would be likely to result in increased harm with regard to the safety of pedestrians and drivers.
8. The Council's has a specific policy with regard to vehicle crossovers, Policy DMD 46 of the Development Management Document 2014 (DMD). This is in two parts, the first is a restrictive policy that advises that planning permission for new accesses onto "A" roads and other busy classified roads will not normally be permitted. A busy road is defined as one carrying more than 10,000 vehicles per day (two-way). I have been provided with no evidence to demonstrate that this road meets this threshold. The second part of the policy is permissive, setting out the circumstances in which crossovers may be accepted. Of particular relevance are parts d) There is no adverse impact on the road safety; e) There is no adverse impact on the free flow and safety of traffic on the adjoining highway and in particular on the effective movement of bus services; and f) Vehicles can enter/and exit the crossover in forward gear.
9. Conflict with part (f) is not disputed. I have also found conflict with part (d). The proposal would result in only limited additional disruption to the free flow of traffic along this bus route which I have to consider in the light of the number of other private access points along this road. The inclusion of gates would add to potential delays but I note the appellant's suggestion that this element could be omitted from the proposal. However, there would be conflict with the element of part (e) that relates to the safety of traffic on the adjoining highway. Overall, the proposal does not satisfy the criteria within the policy and would not therefore gain support from it.
10. Reference has been made to policies within the Core Strategy 2010. Policy 24 relates to the wider road network and I have not found this to be directly relevant. Policy 30, in so far as it is relevant, relates to the quality of the public realm. The Council have not raised this as an issue. Although the inclusion of planting and soft landscaping around the parking space would mitigate the harm from this additional surfacing, it is not a positive matter that weighs in

favour of the proposal. Similarly, although reference has been made to the London Plan and I am aware of the contents of the emerging London Plan, these do not provide specific guidance with regard to the main issue to be considered.

11. The appellant has raised a number of matters in support of the proposal. I accept that no concerns have been raised by neighbours but I do not consider that this is an indication that the access would be safe. I also agree that the position of the BT manhole is a technical matter that falls outside planning considerations.
12. I am mindful that there are a significant number of other private accesses along this road, although in the main, I have not been provided with evidence of when these were introduced and I have no evidence that the Council has been inconsistent when considering similar applications. I also have no information with regard to accident data to demonstrate that they have operated safely as suggested by the appellant. For the most part, these existing access points do not persuade me that I should allow a further access, particularly as I consider that it would increase road safety concerns.
13. The appellant has made reference to decisions that have been made in favour of new access points by the Council. These include 23 Wilbury Way (TP/85/0682) and 37 Wilbury Way (TP/82/0380). Although I do not have details of these applications, it would appear that they date from the 1980's. I cannot assume that the circumstances that were taken into account at that time, including the particular conditions of the road, would be similar to the specific circumstances that I am now considering. In particular, I cannot assume that the policies of the development plan remain consistent.
14. Reference has been made to an appeal decision that approved a crossover at 33 Wilbury Way in 2017 (APP/Q5300/D/17/3168593). The Inspector in that case found that the removal of on-street parking immediately outside the site would offer benefits with regard to access to the adjoining bus stop; and that the existing manoeuvring relating to the on-street parking space was likely to result in similar concerns, in terms of highway safety. That situation clearly differed from the circumstances of this case.
15. Whilst reference has been made to the Council's Technical Standards for Footway Crossovers, this document has not been provided by either party. In any event, it does not appear to be a planning policy document.
16. I have considered the matters put forward by the appellant and I acknowledge that the proposal would offer significant benefits with regard to the use of the dwelling. Given my safety concerns, I am not satisfied that it represents sustainable development as suggested by the appellant. Overall, I find that the proposal would result in harm with regard to highway safety and the matters put forward do not outweigh that concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR