

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/20/3250052

19 Wolves Lane, Southgate, London, N13 6DS

- 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 Rowena Douloubakas against the decision of Enfield Council.
 - The application Ref 20/00229/HOU, dated 22 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is a dropped vehicle kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on highway safety and the operation of the highway network.

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. 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. However, as the neighbouring property to the north has an almost fully surfaced frontage and little in the way of a frontage boundary wall, a driver reversing out of the space would have a clear view of pedestrians approaching from the north. As the access would be set away from the southern boundary, there would similarly be clear views of pedestrians approaching from the south, above the low front wall of the appeal property. Adequate sight lines would be achieved even if the neighbouring property to the south, maintained the vegetation in the front corner of their garden at a greater height. Given the good inter-visibility with pedestrians, I am satisfied that the proposal would not result in an unacceptable increase in harm with regard to pedestrian safety.
 5. Given the low front walls and the width of the pavement, a reversing driver would have relatively clear views when leaving the parking space. The view would however be obscured by parked vehicles within the highway. In the critical direction to the north, parked vehicles would obscure views from
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reversing cars and from oncoming vehicles. This would be a particular concern if larger vehicles were parked directly to the north of the property. The same would be the case with regard to vehicles parked to the south although this would be less critical given that vehicles approach on the other side of the road.

6. The speed humps outside the property would make manoeuvring more difficult. Their presence suggests that vehicle speeds have been an issue, although they are now likely to reduce traffic speeds. As there are a large number of accesses in the vicinity, drivers may take greater care when using this stretch of road given the potential for vehicles to join the road at so many points. I am mindful also that parking in the existing space, outside the property, would also require manoeuvring in the carriageway, although this is more likely to be evident to on-coming drivers. Overall, I consider that the proposal, particularly because of the potential for parked cars to limit visibility, would increase the risk of conflicts between vehicles in the vicinity of this property.
7. The proposal would reduce the amount of on-street parking available. Whilst this space would be replaced within the adjoining garden, this would only be usable by that resident and would not be available for wider public use. The Council have suggested that in the absence of a parking stress survey to demonstrate that the street has sufficient capacity to accommodate this loss, the scheme would lead to an unnecessary loss of publicly available kerbside parking in an area of high parking pressure. Given the number of such access points, the capacity for parking is already limited. The appellant has explained that there is substantial pressure for parking, some generated from outside the area due to parking restrictions elsewhere. The information submitted suggests that there is insufficient public capacity and this is the main reason for seeking this private space. The loss of this public provision weighs against the proposal.
8. The reason for refusal makes reference to the potential for a reduction in the free flow of traffic. Given the number of existing access points and as parking on the road, outside this dwelling, would require manoeuvres in the highway, I am not satisfied that this proposal would materially alter the free flow of traffic. Allowing other such proposals, may in combination add to greater levels of interruption but overall, as any new off-street parking space is likely to result in the loss of an on-street parking space and the associated vehicle movements associated with it, I am not persuaded that in these particular circumstances, the impact on the free flow of traffic would be unacceptable with regard to the operation of the local highway network.
9. The Council 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 by the Council to suggest that this road meets this threshold and I am unable therefore to assume that this element of the policy applies to this proposal.
10. The second part of the policy is permissive, setting out the circumstances in which crossovers may be accepted. Of particular relevance are parts c) There is no increase in on-street parking pressure in areas already experiencing high

- on-street parking demand as a result of introducing a vehicle crossover; d) There is no adverse impact on 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.
11. There would be conflict with part (c) as publically available parking would be lost in an area of high demand and limited supply. I have also found conflict with part (d) in relation to road safety. The proposal is unlikely to result in significant additional disruption to the free flow of traffic along this bus route given the number of other private access points along this road and the movements associated with the on-street parking space that would be lost. I have found that there would be some adverse impact on safety, so the proposal would not fully satisfy part (e). Conflict with part (f) is not disputed as turning within the site is not possible. Overall, the proposal does not satisfy the criteria within the policy and gains no support from it.
 12. Reference has been made to policies within the Core Strategy 2010. Policy 24 relates to the wider road network and given my findings, 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. The parking space is likely to require an increase in surfacing but the retention of planting and other soft landscaping would help to mitigate any harm to the appearance of the area. Reference has been made to the London Plan but the parking objectives within Policy 6.13 are not directly relevant; and Policies 7.4 and 7.5 are not related to the main issue in this case. Similarly, the policies of the emerging London Plan do not provide specific guidance with regard to the main issue to be considered.
 13. The appellant has identified the particular circumstances of the resident of the property who would benefit significantly from being able to park in close proximity to the dwelling, due to the difficulties experienced finding on-street parking and given her age, health and mobility issues. I did note that the Council operates a scheme of providing marked disabled parking bays but I assume that this is not something that is available to the current resident. I note also the contention that the parking spaces are not always used by local residents, particularly given the knock-on effect of parking restrictions elsewhere. I note also that no concerns have been raised by neighbours.
 14. I am mindful that there are a significant number of other private accesses along this road although I have not been provided with evidence of when these were introduced and I have no evidence to suggest that the Council has been inconsistent when considering such applications. These existing access points do not persuade me that I should allow a further access which I consider would increase the potential for harm to road safety.
 15. I have considered all the matters put forward by the appellant. I acknowledge that the proposal would offer significant benefits with regard to the use of the dwelling. Given the description provided of the particular health issues, I afford this matter significant weight. I consider the concern raised by the Council with regard to the loss of a parking space to be outweighed by the benefits to the resident, in these particular circumstances. However, although finely balanced, I conclude that the matters in favour of the proposal overall, are not sufficient

to outweigh my concerns with regard to highway safety. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR