The Planning Inspectorate

Appeal Decision

Site Visit made on 20 October 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/Q5300/D/20/3251862
51 Hedge Lane, London, N13 5SJ

- 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 Derek Moniz against the decision of the Council of the London Borough of Enfield.
- The application Ref 20/00035/HOU, dated 6 January 2020, was refused by notice dated 28 February 2020.
- The development proposed is *drop kerb onto the pavement for access to the driveway of 51 Hedge Lane, N13 5SJ. Also add yellow lines in front of the property, to avoid people parking on the main road (Hedge Lane) in front of the property.*

Decision

1. The appeal is allowed and planning permission is granted for a vehicular access at 51 Hedge Lane, London, N13 5SJ in accordance with the terms of the application, Ref 20/00035/HOU, dated 6 January 2020, subject to the following conditions:

    1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, proposed plan.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose commendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council changed the description of development in the decision notice to read "Vehicular access". However, in Part E of the appeal form it is stated that the description of development has not changed, although the description contained within the form reads "Dropped Kerb in front of the property. 2m x 4m". As the Council's description is more succinct, I have used it in my formal decision above.

Main Issue

4. The effect of the proposal on highway safety and on-street parking along Hedge Lane.

Reasons

5. No. 51 sits near to the junction of Hedge Lane and River Avenue overlooking the A111, a classified road which is a busy main thoroughfare and bus route.

6. The proposal seeks to install a dropped kerb to provide a vehicle cross over to allow the use of the front garden for parking.

7. A number of the properties on the same side of the road as No. 51 have dropped kerbs and off-street parking, including the neighbouring properties. The Council note that not all of the off-street parking provision in the area benefits from planning permission but have not provided any details of this.

8. There is one on-street parking bay in front of No. 51, this would be lost as a result of the proposed vehicle access. There are also sections of pavement on both sides of Hedge Lane which appear to mark out areas for on-street parallel parking. These areas did not appear to be controlled or limited to resident only parking.

9. Adjacent to the parking bay outside the appeal site and directly outside the neighbouring property, No. 53, are road markings that indicate to oncoming drivers that there are changes to the road layout in that it becomes narrower as a result of an oncoming pedestrian island.

10. The appellant notes that family members have had a vehicle damaged whilst parked in the parking bay outside their property. This they contend is due to the changes in the road layout. From my observations I could see why this parking space may be less desirable as an on-street parking space in the context of this part of Hedge Lane. As no vehicle was parked in the bay at the time of my visit I was unable to detect whether the road markings are partially obscured by a parked vehicle and whether this resulted in oncoming drivers being unaware of the hatched road markings until they were directly upon them. Nevertheless, in my opinion, the vehicle crossover and loss of this on-street parking bay would present a positive impact by assisting in keeping the hatched area of the highway clearly visible to oncoming vehicles.

11. I observed that there appeared to be a number of available on-street parking places throughout this part of Hedge Lane. The Council has not submitted any demonstrable evidence, such as parking surveys, to demonstrate that parking demand is exceptionally high or that the existing on-street parking provision is not adequate for the area. Having viewed the number of available public parking spaces along this part of Hege Lane, I do not consider the loss of one space directly outside No. 51, which is likely to be used, for the most part, by the occupiers of No. 51, to be overall detrimental to the existing and future parking pressures in the area.

12. This section of Hedge Lane is subject to a 30mph speed limit, is relatively straight and acceptable levels of visibility would be achieved at the proposed point of access and egress. In addition, as there is a traffic light system at the junction of Hedge Lane and Green Lane, gaps in traffic are afforded which would allow vehicles to safely access and egress the proposed vehicular access. I also noted as a result of the traffic signals that traffic entered Hedge Lane at a slower pace.

13. During my site visit I had the opportunity to observe a number of vehicles, along this section of street, exiting properties onto Hedge Lane by reversing

directly onto the highway and also an occupier who reversed into their off-street parking area, enabling them to leave the site in a forward motion. Given the gaps in traffic noted above, the degree of visibility, and the lack of any evidence of harm arising from similar manoeuvres on the many different driveways in the vicinity, I am satisfied that vehicles turning in and out of the site would not be detrimental to the highway, even if there would be insufficient turning space on the driveway to enable vehicles to enter and leave in a forward gear.

14. The appeal proposal would result in a small number of additional vehicle movements across the footway. Nevertheless, this presently occurs along both sides of Hedge Lane. No evidence in the form of accident records has been put to me and within the above context, whilst there may be some effect on highway safety, there is no compelling evidence that this effect would be unacceptable. I do not consider therefore that the proposal would result in an adverse impact on the safe and free flow of traffic along this section of Hedge Lane.

15. Whilst the Council note that previous proposals for similar development have been overturned at Appeal, no evidence or details of these decisions have been submitted. The highway impact of vehicle cross over points is likely to be very specific to their location and the characteristics of the surrounding road layout. It is not clear that the appeals referred to were situated in locations with similar characteristics to those present in this case and reference to them does not lead me to alter my recommendation.

16. Having regard to the criteria in Policy DMD46, the Council has not provided substantive evidence to demonstrate that harm to highway safety would arise in this case. I therefore conclude that the proposal would not cause harm to highway safety and on-street parking along Hedge Lane. The proposal therefore accords with Policy DMD 46 of the Development Management Document (2014) which seeks to ensure that vehicle crossovers and dropped kerbs do not have an unacceptable impact on highway safety.

Conditions

17. In order to provide certainty regarding what has been granted planning permission, I recommend that a condition is attached specifying the approved drawings. The Council has suggested that a condition is required in respect of matching materials. The proposed works are within the highway boundary and such works would either have to be carried out by the Highway Authority on behalf of the appellant or be undertaken to the specification required by the Highway Authority. Consequently, I do not consider that this condition is necessary because the materials used are likely to be reflective of other materials used within the highway.

Conclusion

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

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be allowed, subject to the conditions set out above.

Chris Preston