



Appeal Decision

Site Visit made on 24 November 2020

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020.

Appeal Ref: APP/F5540/D/20/3255416

212 North Hyde Lane, Southall, Middlesex UB2 5SE

- 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 Narinder Mudher against the decision of London Borough of Hounslow.
 - The application Ref 00815/212/P2, dated 4 March 2020, was refused by notice dated 28 April 2020.
 - The development proposed is for the formation of a vehicular access to the front of the house.
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Decision

1. The appeal is allowed, and planning permission is granted for the formation of a vehicular access to the front of the house at 212 North Hyde Lane, Southall, Middlesex UB2 5SE in accordance with the terms of the application, Ref 00815/212/P2, dated 4 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020-17-01 Rev A, 2020-17-02 Rev A and 2020-17-03 Rev A.
 - 3) No development shall take place until a method statement detailing measures to be taken during construction to protect the health of the existing street tree on North Hyde Lane have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in full throughout the construction phase.
 - 4) Any hard surfacing for the proposed vehicle crossover shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

Preliminary Matter

2. The description of development above is taken from the Council's decision notice and Part E of the appeal form, in the interest of clarity.

Main Issues

3. The main issues in this case are:

- the effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site; and
- the effect of the proposal on the character and appearance of the area, with particular reference to an adjacent street tree.

Reasons

Highway Safety

4. No 212 comprises a semi-detached dwelling located on the southern side of North Hyde Lane, within a line of similar dwellings. Like several other properties on the street, the appeal property has an open frontage with a paved forecourt area in front of the dwelling, that is enclosed either side by low boundary walls. The forecourt area is set back from the road frontage behind a pavement and a wide grass verge. There is a primary school opposite the appeal site, and the activity associated with the 'school run' was evident during my early morning site visit, with a relatively high volume of traffic in both directions, as well as parents and children walking along the pavement.
5. The proposal would require the removal of a short length of the existing roadside kerb and a portion of the grass verge. This would be replaced with a permeable surface that would allow vehicular access off the highway into the property's paved forecourt area.
6. The Council is concerned that the new access would not meet the visibility standards set out in its Residential Crossovers and Off-Street Parking Policy (2016) (SPD). Furthermore, there must be no obstructions over 600mm high within the required visibility splay area, such as a wall, fence or tree. However, the SPD states that where all or part of the splay lies across land outside the applicant's control, as in the case of the appeal proposal, a relaxation to this requirement may be considered, taking into account the amount of pedestrian activity along the footway and the width of the footway.
7. Drivers emerging from the proposed crossover in either forward or reverse gear would have a reasonable view of oncoming traffic. Despite the presence of street trees, the pavement and wide grass verge combine to allow a good line of sight in both directions. The side walls enclosing the forecourt are sufficiently low to allow drivers good visibility of movements along the road and pavement. Moreover, drivers approaching the property along North Hyde Lane should have time to anticipate an emerging vehicle and react accordingly.
8. Furthermore, there is a 20mph speed limit along North Hyde Lane, and it is likely that the speed of traffic in this area is low, particularly at busy times of the day such as those associated with the school's start and finish times. Vehicles entering and leaving the parking area would be unlikely to adversely affect the flow of traffic in the highway or result in conflict with other road users given these matters, and the likely low number of vehicle movements associated with the parking area.
9. In terms of the effect of the proposal on the pavement, there is a high probability that pedestrians are aware of vehicle movements in and out of

driveways in the vicinity given the number of other vehicle crossovers in the street. Moreover, there is suitable visibility at the proposed access given the low boundary walls and the combined width of the pavement and verge, to ensure that pedestrians, including school children would be able to see vehicles exiting the appeal site and drivers of vehicles using the access would be able to see other road users.

10. It is acknowledged that the road is relatively busy, given the proximity of the school. However, many of the properties along this stretch of road already have direct access onto the highway and no evidence has been provided to suggest there is a high incidence of collisions in the area.
11. The Council has concerns that a 1.2m wide pedestrian path from the proposed parking area to the entrance of the dwelling has not been shown. However, the forecourt area has sufficient width to incorporate this whilst being level and free from obstruction. I am therefore satisfied that the existing arrangements would meet this requirement.
12. The proposal would have an acceptable effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Neither the free flow of traffic or highway safety would be prejudiced to such an extent that there would be conflict with the overall aims of Policy EC2 of the London Borough of Hounslow Local Plan Volume One, 2015-2030 (the Local Plan). Although the proposal would not comply with technical aspects of the SPD, it would nevertheless meet the broad aims of the document in ensuring no unacceptable harm to highway safety.

Street Tree

13. The proposed vehicle crossover would be constructed close to a street tree. This is one of many sited within the grass verge along the southern frontage of North Hyde Lane. Collectively, the street trees have an attractive appearance that contributes positively to the area's visual qualities.
14. The SPD advises that proposals for vehicle crossovers should be moved if they are within the 'precautionary area' of a tree. This is the area within which harm could be caused to the tree by excavation and is defined as 4 times the girth of the tree measured at 1.5 metres height. It further advises that crossovers will not be allowed within 1m of a tree.
15. The appellant confirms that the proposed crossover would be 1.35m away from the tree, and therefore exceeds the 1m distance specified in the SPD. No specific details have been provided to show the extent of the precautionary area and whether the proposed crossover falls outside of this. Yet, the tree has a slim trunk and together with the separation distance that would be maintained it would be reasonable to deduce that the crossover would not obviously encroach into the precautionary area. There is no persuasive evidence to the contrary from the Council, therefore, on the basis of the proposal's location and, the permeable surface and the root protection measures proposed by the appellant, I am of the view, that the health, long term future and amenity value of the tree would not be adversely harmed.
16. Consequently, I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area, with particular reference to the adjacent street tree. There would be no conflict with Policies

CC1, CC2 and GB7 of the Local Plan, which amongst other things require proposals to conserve and protect trees during construction and to protect biodiversity interests.

Conclusion and Conditions

17. For the above reasons, and having regard to all other matters raised, the appeal should therefore be allowed.
18. In the interests of clarity, standard conditions requiring the development to be carried out in accordance with the plans and within a time limit have been imposed.
19. A condition requiring a method statement detailing tree protection measures during construction works is necessary to safeguard the health of the adjacent street tree. This is required before works start in order to establish the extent of the safeguarding measures required.
20. I have also imposed a condition that the crossover is either completed in a porous material or appropriate drainage arrangements are provided in order not to add to flood risk.
21. The Council has suggested a condition requiring a visibility splay of 2.4m x 2.4m, with no obstruction above 600mm. However, the splay area would likely cross land outside of the control of the appellant, and the suggested condition would not therefore be reasonable and enforceable. Notwithstanding this, there is a planning condition relating to the existing vehicular access to the immediate east, at No 210 North Hyde Lane, that ensures the height of boundaries within their own visibility splay is restricted to 600mm, which would meet the required standard in the Council's SPD. Therefore, I am satisfied that sufficient safeguards are already in place to ensure that visibility would be maintained.

RE Jones

INSPECTOR