The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2020

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/H5960/D/20/3257730
50 Elsynge Road, London SW18 2HN

- 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 Mrs A Hudson against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2020/1369, dated 16 April 2020, was refused by notice dated 18 June 2020.
- The development proposed is described as "proposed crossover, alterations to the front boundary treatment and provision of off-street parking".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a highways statement as part of the appeal, which includes a vehicle swept path analysis. As the submitted document does not evolve the scheme, and the nature of the concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I determine the appeal in accordance with these documents.

Main Issues

3. The main issues are:

   - the effect of the development upon highway and pedestrian safety; and
   - whether the proposed development would preserve or enhance the character or appearance of the Wandsworth Common Conservation Area;

Reasons

Highway and pedestrian safety

4. Policy DMT1 of the Wandsworth Local Plan: Development Management Policies Document (the 'DPD') relates to transport impacts of development. Criterion (d) states "For developments, including developments that require new or additional crossovers, it will need to be demonstrated they would not cause a road safety hazard or interfere with the safe operation of buses, particularly bus stops. Further guidance is provided in the Council's Housing SPD".

5. Section 5 of the Council's Housing Supplementary Planning Document (the 'Housing SPD') relates to front gardens and hardstanding for cars. To avoid the problem of vehicles overhanging their hardstanding and obstructing the pavement it explains that a vehicle hardstanding should meet the minimum required dimensions of 4.5m between the back edge of the pavement and the nearest face of the building, and at least 2.3 m wide, clear of obstructions (such as a tree or a bay window) to allow easy access to and from the vehicle when parked and avoiding obstructing pedestrian access to the front door[1].

6. The proposed development would retain the existing hard surfacing to the front of the appeal property and a metal grille would be constructed over the basement light, all of which would be used to provide an area for off-street parking. Owing to the location of the existing entrance steps and the bay window at the front of the property, any vehicle using the parking area would have to park at an angle.

7. The Council explain that the proposed parking space would have a maximum depth of 3.1m. This measurement has not been disputed by the appellant, who acknowledges that the proposal would not adhere to the minimum required dimensions for hardstanding for cars, as set out within the Housing SPD.

8. Notwithstanding the above, the appellant explains that the hard surfacing would provide adequate space for her to park her current vehicle, a Mini Cooper, off the street without it overhanging onto the pavement.

9. Whilst I recognise that the appellant's current vehicle could park on the hard surfacing without it overhanging onto the pavement, I have not been directed to a suitable mechanism which would restrict the use of the parking area to small vehicles only. For instance, the imposition of a planning condition to restrict the use of the parking space to small vehicles only would not meet the tests as laid out in paragraph 55 of the National Planning Policy Framework (the 'Framework'). The appellant explains that traffic wardens would be able to issue fines if any vehicle using the parking area was overhanging onto the pavement. Whilst this may be the case, this would not physically prevent vehicles overhanging onto the pavement. Moreover, I have not been provided with any substantive evidence about the frequency and duration of the patrols by traffic wardens.

10. Planning permission runs with the land, and, thus it would transcend the current occupation of the property and future occupiers may use larger vehicles than the appellant.

11. If a larger vehicle were to utilise the parking space it would overhang onto the pavement, which would restrict the width of the footway. Given the limited depth of the proposed parking area and its angular layout, the degree to which a larger vehicle would overhang onto the pavement could be significant. If the width of the footway were to be restricted in such a manner it would impede upon the path of pedestrians and likely require them to walk on the road into the path of on-coming vehicular traffic, which would be prejudicial to pedestrian and highway safety. This adverse matter would be amplified for those with mobility issues such as wheelchair and pushchair users, to whom the use of a narrow pavement would be impractical, thereby forcing such individuals into the road.

[1] Paragraph 5.8 of the Housing SPD

12. I recognise that some vehicles using off-street parking areas to the front of existing properties on Elsynge Road already overhang onto the pavement. Moreover, I am cognisant that evidence put forward by the appellant shows that there have been no recorded safety incidents on Elsynge Road in recent years. However, this does not provide a compelling justification to allow development which would be prejudicial to highway and pedestrian safety.

13. My attention has been drawn to a recent development at No 49 Elsynge Road where planning permission was granted at appeal[2] for the construction of an off-street parking area to the front of the existing property. Based on the evidence before me, it is apparent that the parking area at No 49 complies with the minimum required dimensions for hardstanding for cars, as set out within the Housing SPD. Therefore, I consider that the development at No 49 is materially different to the current proposal. As such, I have afforded the previous decision limited weight.

14. For the collective reasons outlined above, I conclude that the proposal would be prejudicial to highway and pedestrian safety. As such, the proposal would not accord with Criterion (d) of Policy DMT1 of the DPD and the aforementioned guidance contained within the Council's Housing SPD.

15. Furthermore, the proposal would be inconsistent with paragraph 110(c) of the Framework, which states that developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Wandsworth Common Conservation Area

16. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Wandsworth Common Conservation Area.

17. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and, the more important the asset, the greater the weight should be.

18. The appeal site is situated on the northern side of Elsynge Road, which is a residential street located within the Wandsworth Common Conservation Area (the 'CA'). Elsynge Road features a variety of two and three storey traditional buildings, many of which are of a high quality and feature decorative architectural features such as bay windows, window surrounds and ornate brickwork.

19. However, there is no consistent pattern of enclosed front gardens along Elsynge Road. Whilst some properties retain their original front boundary treatments, a significant number of the existing properties have removed the boundary walls and/or fencing to create off-street parking areas to the front of the host building, with varying degrees of enclosure remaining.

[2] Appeal Ref: APP/H5960/D/18/3214266

20. The proposal would utilise the existing hard surfacing to the front of the appeal property. Moreover, whilst the development would result in the removal of some of the existing boundary treatment facing Elsynge Road, part of the boundary wall and fencing, including the brick pier on the boundary with No 52 Elsynge Road, would be retained either side of the proposed parking area. Consequently, the front garden would retain a degree of enclosure, albeit to a lesser extent than the existing site layout.

21. Given the above, and having regard to the aforementioned site context, I conclude that the proposed development would have a neutral impact upon and thus preserve the character and appearance of the CA as a whole.

22. In conclusion, the proposal would accord with Policies DMS2 and DMH5 of the DPD and Policy IS3 of the Wandsworth Local Plan: Core Strategy, which require new development, including alterations to existing residential properties, to protect and reinforce the existing varied character, appearance and heritage of the Borough, whilst ensuring that proposals sustain, conserve, and where appropriate, enhance the significance of heritage assets.

Other Considerations

23. The provision of off-street parking would enable the appellant to install a plug-in charging station at the property, which would provide the occupiers with the ability to use an electric or other ultra-low emission vehicle. This would help to reduce greenhouse gas emissions, which is a positive benefit of the development that needs to be weighed in the overall planning balance.

Conclusion

24. I have found that the proposal would preserve the significance of the CA. However, for the reasons given, the development would be prejudicial to highway and pedestrian safety. This is a matter of overriding concern and outweighs the limited benefits identified above. Therefore, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR