The Planning Inspectorate

Appeal Decision

Site visit made on 30 December 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/Q5300/D/20/3261559
153 Southbury Road, Enfield EN1 1QP

- 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 Dr Gobinath Murugesapillai against the decision of the Council of the London Borough of Enfield.
- The application Ref 20/01967/HOU, dated 28 June 2020, was refused by notice dated 19 August 2020.
- The development proposed is a drop kerb-vehicle crossover.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on highway safety for users of Southbury Road.

Reasons

3. The proposal includes a dropped kerb to provide a vehicle crossover along the highway frontage of the appeal property, which faces Southbury Road. From what I saw, Southbury Road is a busy highway. The new crossover would provide access from the road to a hard surface area in front of No 153 for off-street vehicle parking.

4. While the Council raises concern that a parked vehicle on the site would overhang the adjacent footway, the gap between the front of the house and the footway varies from one side of the new hard surface area to the other. If a typical family sized vehicle was to park to one side of the site, it would not necessarily encroach into the adjacent footway as the Council suggests.

5. The modest size and rectangular shape of the frontage area to No 153 would, however, restrict the opportunity for a vehicle to enter and leave the site using the new crossover in forward gear. While I have no reason to doubt that this outcome could ultimately be achieved, it would necessitate a driveway free of obstruction and several manoeuvres of the vehicle within the tight confines of the site to do so, as the submitted Block Plan shows.

6. Furthermore, once in place, the new crossover and parking space would be available for others to use, such as visitors. A less experienced driver than the appellant or those using a larger car than shown on the submitted Block Plan could choose to reverse into or out of the site to avoid the challenge of turning

a vehicle around within the forecourt of No 153. Taking into account all of these circumstances, I share the Council's view that there is a reasonable likelihood that a driver using the new crossover would need to reverse into or out of the site onto the adjacent highway.

7. That manoeuvre would be likely to be close to parked vehicles just beyond the existing dropped kerbs on each side of the site given that there is unrestricted parking along this section of Southbury Road, that I saw was very well used. Reversing into or out of the site onto a busy highway close to parked vehicles would be far from ideal given the restricted visibility of oncoming road users. Views of a vehicle reversing out of the site by approaching highway users would also be likely to be obscured by parked cars.

8. Even though the number of vehicle movements using the new crossover would be modest, the appeal scheme would be likely to result in motorists slowing down and either turning into or out of a busy road possibly in reverse. Vehicles emerging from the site and waiting on the adjacent footway for gap in the traffic may also obstruct pedestrians. For these reasons, the proposal would pose an unacceptable risk to highway safety for users of Southbury Road.

9. My attention has been drawn to a similar proposal at 165 Southbury Road that was approved by the Council and to the effects of a recent road traffic incident. In that case, the Officer's report notes that the location of No 165 downstream of a pedestrian crossing would create breaks in traffic flows that would allow vehicles to manoeuvre more safely than in other locations. However, No 153 is further away than No 165 to that pedestrian crossing and, in any event, on-street parking would still obscure views of road users approaching from that direction. I recognise the safety benefit of removing the opportunity for kerb side parking just outside the site and opposite a school, to which the Council placed in some weight in supporting the dropped kerb at No 165. However, in this case, the benefit would be more than offset by the obvious and significant hazard caused by vehicles turning into and out of the site, potentially in reverse. For these reasons, I am not convinced that the Council's decision in relation to No 165 justifies the grant of planning permission in this instance.

10. I saw several examples of properties with dropped kerbs and off-street forecourt parking along Southbury Road in the vicinity of the site. A number of these existing accesses also rely on vehicles reversing onto or from the highway and restricted visibility of others. I am unaware of the detailed circumstances of these arrangements most of which were far from ideal with regard to highway safety. These examples do not persuade me that the appeal scheme, which would add to highway danger, should therefore be accepted.

11. On the main issue, I conclude that the proposal would pose an unacceptable risk to highway safety. Of the policies and guidance cited by the Council that are most relevant to this main issue, the appeal scheme would be contrary to Policy DMD 46 of the Development Management Document. This policy states that vehicle crossovers and dropped kerbs to allow for off street parking and access onto roads will only be permitted where vehicles can enter and exit in forward gear and where there is no adverse impact on road safety. The proposal would also conflict with the National Planning Policy Framework, which notes that developments should include safe and suitable access for all users.

12. I have taken into account the condition of the appellant's father, which is supported by medical evidence, and the inconvenience and difficulties caused

by parking some distance away from the site. The proposal would obviously be a more accessible and convenient arrangement for vehicle parking and it would avoid a need to cross a busy road. The related health benefits to the appellant's father and others through reduced anxiety and stress are important considerations. Off road parking would also enable an electric vehicle to be charged close to the property. However, these matters do not outweigh the risks to highway safety raised by the proposal.

13. The Council raises additional concern that the proposal, if allowed, would lead to a loss of on-street parking in an area of high parking pressure. However, only one space on the adjacent highway would be removed to make way for the new crossover. While the Council asserts that a decision to allow the appeal could set a precedent that in turn would lead to the cumulative loss of on street parking each proposal should be assessed on its own merits, as I have done. Consequently, the loss of on street parking would be insufficient in itself to withhold planning permission if the appeal scheme were acceptable in all other respects.

Conclusion

14. For the reasons set out above, and taking into account the absence of objections from local residents, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR