



Appeal Decision

Site visit made on 21 January 2021

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/Q5300/D/20/3260891

69 Park Avenue, Enfield EN1 2BA

- 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 Mark Nelson against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01574/HOU, dated 13 May 2020, was refused by notice dated 28 July 2020.
 - The development proposed is the construction of a hard standing in connection with a vehicular access.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development was described on the application form as a request to the Council for a dropped kerb. The appellant went on to say that *"there is already one there, but has parking spaces in front of it, looking to be able to pass over it and onto my front drive."* This was amended by the Council, to *"Construction of hardstanding in connection with vehicular access."* This is also the description used by the appellant on his appeal form.
3. I noted on my site visit that, as stated by the appellant, a dropped kerb already exists in front of his property, to enable drivers to access the parking spaces located on the outer edge of the wide pavement. As a result, the only *"development"*, as defined within Section 55 of the Town and Country Planning Act 1990 (as amended) (TCPA), involved in the appeal proposal is that used as the basis for the amended description – the construction of a hardstanding. However, as acknowledged by the Council, *"the proposed hardstanding could be carried out under permitted development rights set out in Part 2 of the GPDO (General Permitted Development Order) 2015"* It is therefore not clear what development, other than that permitted by the GPDO, is proposed here.
4. In most cases where access is sought onto a classified road, there is *"development"*, as defined in the TCPA, in the form of the dropping of a kerb, or the removal of a boundary wall. Neither of these form part of the appeal proposal. However, I am required to deal with the proposal in front of me and I can see that, in order for the parking area on the appellant's forecourt to be usable, at least one of the parking spaces outside the appeal site would have to be removed. As a result, and despite it not being clear that any development (other than permitted development) is in fact involved in the appeal proposal, I

have dealt with the appeal on the basis that it was submitted and determined by the Council, and have used the amended description, used by the appellant on his appeal form, as the basis for my decision.

Main Issues

5. The main issues are the effect of the proposed development on:-

- parking pressure in the area;
- highway and pedestrian safety; and
- the character and appearance of the area.

Reasons

Parking pressure

6. Policy DMD 46 of the Enfield Council Development Management Document (2014) (DMD) deals with vehicle crossovers and dropped kerbs. It says that planning permission for new access onto A roads will not normally be permitted. Park Avenue, outside the appeal site, is the A105. It goes on to say that, where crossovers are permitted, this will only be where, amongst other things, there is no increase in on street parking pressures in areas already experiencing high on street parking demand, as a result of introducing a vehicle crossover.
7. Neither the Council nor the appellant has provided any parking surveys to assist in coming to a conclusion on this main issue. On my site visit, in the middle of the morning on a weekday during the current national lockdown, nearly all the parking spaces along this part of Park Avenue were occupied. The only empty space was one of the two in front of the appeal site, although this may have been because a car was parked on the drive of No 69, and anyone considering using the space would have been aware of blocking that car's exit.
8. Given the restrictions and advice currently in place regarding avoiding all but essential travel, it may well be that far more spaces in this residential area were occupied than would normally be the case during a working day. However, the level of occupancy that I witnessed does suggest that most spaces would be taken during night time hours, which is often the period of greatest demand for spaces outside people's homes. Without any other evidence to counter this impression, it appears to me that this does indicate an area that is experiencing high on street parking demand for those available spaces.
9. The appellant's intention is to park two cars on his driveway. In order for these two cars to independently move onto and off the drive, they would need to be parked side by side, and would need both of the two parking spaces outside the appeal site to be removed. The appellant argues that this would be replacing two cars parked on the pavement with two cars parked on site. However, in areas such as around the appeal site, where there does not appear to be sufficient car parking to meet maximum demand, public spaces on the roadway are more able to meet that demand than private spaces on driveways. Publicly available spaces can be used on a first come first served basis, unlike spaces on driveways, and can better assist in easing parking stress where it exists.

10. For the above reasons, and based on the evidence before me, I conclude that the proposal would be likely to have an adverse effect on parking pressure in the local area, contrary to Policy DMD 46 of the DMD.

Highway and pedestrian safety

11. The Council is also concerned that use of the front garden for parking would *"increase the intensity of vehicle movements onto the roadway"* to the detriment of the free flow of traffic, and that vehicles would need to reverse on or off the road, to the detriment of pedestrian and highway safety.
12. The appellant accepts that there is insufficient space on site to turn, but volunteers to reverse into the driveway, as he now reverses into a pavement parking bay. Whilst these two manoeuvres are not identical, I accept that the differences between them is unlikely to result in a material increase in harm to highway or pedestrian safety in this particular location.
13. The A105 is wide, as is the pavement outside the appeal site. Visibility outside the appeal site is good in both directions. A driver reversing off the road would be clearly visible to both road users and pedestrians, just as would be the case at present, when reversing into a parking bay. In both cases, the front of the car would swing out into the carriageway whilst a reversing manoeuvre was carried out. The main difference would be that the vehicle would need to cross the whole footway to reverse onto the driveway. However, given the characteristics of the road at this point, I am not convinced that this would result in a material increase in harm to pedestrian safety.
14. I accept that this aspect of the proposal is contrary to criterion (f) of Policy DMD 46 of the DMD, which requires vehicles to both enter and exit the site in forward gear. However, the fact that parking bays already exist outside the appeal site persuades me that, despite this, the proposal would not result in an increase in the intensity of vehicle movements, as alleged by the Council, and would not cause a material deterioration in the situation in this respect.
15. I conclude that the proposal would not have an unacceptably adverse effect on highway or pedestrian safety, and would be acceptable in this respect, despite being contrary to Policy DMD 46 of the DMD to the extent set out above.

Character and appearance

16. Policy DMD 46 of the DMD includes criterion (a) relating to the impact of off-street parking in front gardens on character and appearance. It says that such proposals will only be permitted where *"there is no negative impact on the existing character of the area and streetscape as a result of the loss of a front garden or grass verges to hardstanding or loss of front garden walls"*.
17. As the Council acknowledges, paving the front garden in the manner proposed by the appellant is permitted development. However, it is also true that this is unlikely to be carried out in full unless it is possible to park a car or cars on the resulting hard surface.
18. The adjoining property at No 67 has a front garden that is considerably wider than that at the appeal site and this has been entirely covered by hard surfacing. The appeal proposal would appear as a further extension of this. The Council points out that this was permitted prior to the adoption of the

existing Local Plan. However, despite this, the development exists and has an impact on the character and appearance of the area.

19. At the other end of the terrace, most of the large front garden of No 81 has also been paved over. The character of this terrace is therefore one that includes large areas of hard surfacing at its front at either end. In this context, I do not consider that the appeal proposal would cause material harm.
20. I conclude that the proposal would not have an unacceptably adverse effect on the character or appearance of the area, and would comply with Policy 7.4 of the London Plan (2016), CP30 of the Enfield Core Strategy (2010) and Policies DMD37, Policy DMD 46 of the DMD in this respect. These policies seek development that, amongst other things, has regard to the form, function and structure of an area, is of high quality, and say that development that is inappropriate to its context will be refused.

Other matters

21. The appellant has drawn my attention to other properties in the area that have areas of hardstanding in their front gardens where no turning is possible. I saw these on my site visit. However, I must determine this case on its individual merits, and my conclusions on the various main issues were in relation to the particular facts of this case, rather than because any precedent has been set.

Conclusions

22. I set out at the start of my decision that it is not clear what development is involved in the appeal proposal. However, in dealing with the application as submitted, and as determined by the Council, I have concluded that the proposal would not have an unacceptably adverse effect on highway or pedestrian safety, or on the character or appearance of the area. However, I have also concluded that, from the evidence before me, the appeal proposal would be likely to have an adverse effect on parking pressure in the local area. This outweighs the lack of other harm. For the reasons set out above, I conclude that the appeal should be dismissed.

Baljit K Muston

INSPECTOR