



Appeal Decision

Site visit made on 8 September 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021.

Appeal Ref: APP/Q5300/D/21/3271469
277 Church Street, Edmonton, N9 9JA

- 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 Dilek Gunek-McQuaid against the decision of the London Borough of Enfield.
 - The application Ref 20/03589/HOU, dated 16 October 2020, was refused by notice dated 7 January 2021.
 - The development proposed is erection of a front boundary wall with gates together with vehicular access and hard standing.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the decision notice is different to that on the application form. I have adopted the former as it more accurately describes the appeal proposal.
3. In section F to the Appeal Form part 2 has been completed, which relates to the refusal of permission to vary or remove a condition, whereas part 1, relating to the refusal of permission, should have been completed. I have determined the appeal on that basis.
4. An appeal for a similar form of development to that now proposed was dismissed on 3 December 2015 (Ref. APP/Q5300/W/15/3130327) (2015 Appeal). I have had regard to that decision in determining this appeal.
5. The Council's second reason for refusal raises concerns in relation to the absence of any details of drainage and surfacing, to prevent surface water runoff onto the public highway. I am satisfied, on the basis of the evidence before me, that these concerns could be addressed by conditions if I was minded to support the grant of planning permission. I have determined the appeal on that basis.
6. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (Framework). However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response.

Main Issue

7. The main issue is the impact of the proposed development on highway safety.

Reasons

8. The appeal site is located on the northern side of Church Street and comprises a two-storey property with gardens to the front and rear. Church Street itself is a busy Class B Road (B154). It forms part of a Transport for London Red Route. A short distance to the south east of the appeal site is the traffic signal-controlled junction of the B154 and A10.
9. The carriageway immediately outside the appeal site forms part of a designated bus stop clearway, the extent of which is marked on the road, with a bus stop a short distance to the south east. Whilst on street parking is permitted on Church Street further to the west of the appeal site, it is prohibited outside the appeal site and neighbouring properties by the bus stop clearway. Included amongst the parking spaces to the west is a designated disabled parking space, a short walking distance from the appeal site.
10. The 2015 Appeal was dismissed as the Inspector found that vehicles would have to reverse onto Church Street from the appeal site and that this would result in unacceptable harm to highway safety, and that there were no reasons for making an exception to established local plan policies. The current proposal would be similar to the 2015 Appeal in that it would require vehicles to reverse from or onto Church Street, and from or onto the bus stop clearway.
11. On my site visit a number of cars were parked within the on-street spaces to the west. As a consequence, for drivers approaching on the main road from the west, the visibility of the appeal site and the pavement in front is severely compromised. It creates the potential for accidents to occur as drivers' attention would be focused on traffic queuing back from the traffic lights or from buses manoeuvring into and out of the bus stop clearway. Even though vehicles may have slowed down as they approached the bus stop and traffic lights, they would, with the on-street spaces occupied, have limited, if any, visibility of vehicles exiting the appeal site. For the same reasons, the visibility of vehicles reversing from the appeal site would be severely compromised and this would include limited visibility of the pavement, increasing the risks for pedestrians.
12. As the submitted plan shows, there is no ability to turn a vehicle around within the front garden to the appeal site or to guarantee that vehicles could exit in forward gear. A further observation made on site is that buses are required to manoeuvre close to the last parked car to the west and require all of the bus stop clearway area in order to access the bus stop.
13. Whilst I accept that there are already a number of crossovers from properties in Church Street that rely on reversing manoeuvres, the Council have stated that these are historic and do not reflect current local plan policies. That evidence has not been challenged and it is apparent that the Council have recently adopted a consistent approach to new crossovers in this location. Even so, the existence of these crossovers is not a justification for approving new development that would represent a danger to highway users and pedestrians, and neither should they be regarded as examples of good practice.
14. Policy DMD 46 of the Enfield Development Management Document 2014 (EDMD) states that new accesses to busy classified roads will only be permitted where, amongst other criteria, there would be no adverse impact on highway safety; there would be no adverse impact on the free flow and safety of traffic,

and in particular, the effective movement of bus services; and the proposal would enable vehicles to enter and leave the property in question in forward gear. This policy is consistent with the approach set out in the Council's Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers) (April 2013) (Technical Guidance). Based, therefore, on the evidence before me and the findings set out above, the appeal proposal would be contrary to policy DMD 46 as well as the Technical Guidance, and there is no substantive evidence to suggest that an exception to that policy/guidance should be made in this case.

15. I appreciate that the Appellant has severe mobility difficulties and that the potential for parking at the rear of the appeal property is unlikely to be practical or feasible. Whilst I sympathise with the Appellants personal circumstances, these considerations are insufficient to outweigh the significant harm I have identified. I note that the Inspector in the 2015 Appeal reached a similar finding. The circumstances of this case have not changed since then and there is no new evidence that would lead me to reach a different finding to that reached by the previous Inspector.
16. Accordingly, I find that the appeal proposal would be contrary to policy DMD 46 of the EDMD, the Technical Guidance and paragraph 110 b) of the Framework (previously paragraph 108 b)), which requires applications for development to incorporate safe and suitable access for all users.
17. The Council have also referred to policy 24 and 30 of the Enfield Core Strategy 2010, but as these relate to the 'road network' and the 'built and open environment' respectively, I am not convinced that they are directly relevant to this appeal.

Conclusions

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

G Roberts

INSPECTOR