



Appeal Decision

Site Visit made on 28 September 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/A5270/W/21/3270992

Flat B, 52 Cherington Road, Hanwell W7 3HJ

- 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 Gurney (Roselodge (Ealing) Limited) against the decision of the Council of the London Borough of Ealing.
 - The application Ref 202680FUL, dated 9 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is dropped kerb and charging point for an electric vehicle.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision, the London Plan 2021 (LP) has been adopted. This now forms part of the development plan for the site and its policies replace those from the London Plan 2016. The Council has provided copies of LP policies it considers are relevant to this appeal and the appellant has been invited to respond. As such, both main parties have had the opportunity to make representations on the LP.

Main Issue

3. The main issue is the effect of the proposal on the safety of users of the pavement and traffic safety.

Reasons

4. While it would also accommodate a motorcycle, the proposed dropped kerb would be of sufficient width and is designed to allow a car to leave the road and to access an area of hardstanding for parking. The access would cross over the roadside pavement that runs in front of the appeal property.
5. I am referred to the Council's Dropped Kerb Application Pack For Residents 2019 (the Pack). This states that for residential crossovers and where a property is less than 6.5 m wide, there must be at least 4.2 m from the back of the footway to the front of a house for parking. The appellant does not dispute the Council's claim that the hardstanding to the front of the house does not meet this requirement.
6. The appellant is critical of the 4.2 m standard as many cars are longer than this length and so it does not prevent obstruction. However, the Pack states that, regardless of size, there should be enough space to park a vehicle off the road without overhanging the footway. Also, while it does not form part of the

development plan, the Pack provides useful guidance relevant to the proposal. As such, failure to comply with the standard weighs against the scheme.

7. The plans show that the hardstanding is of a size and shape that would accommodate a typical family hatchback and a larger SUV type of vehicle positioned at an angle to the road. However, these drawings illustrate that the space would be tight for such cars and would require precision when parking to avoid overhang onto the pavement. It is likely to be cumbersome and time consuming to manoeuvre a vehicle so it lays entirely within the appeal property and at the same time maintain reasonable access to the front door. Also, the proposal would allow cars larger than those shown on the plans to park at the appeal property. It is highly probable that such vehicles would obstruct the footway when parked.
8. Several of the properties on the road benefit from crossover accesses, including those on either side of the appeal site. No information on the background to these dropped kerbs has been provided. Also, no details have been submitted that allow comparisons to be made between nearby front parking areas and that at the appeal property. In any event and notwithstanding the appellant's photographic evidence, I saw cars parked to the front of nearby properties which protruded out over the pavement. As such, the local examples of dropped kerbs and front parking areas do not convincingly demonstrate that the proposal would avoid obstruction to the footway.
9. The appellant suggests that enforcement powers could be used to issue parking tickets against vehicles that overhang the pavement. However, even if this is correct, it does not follow that such enforcement will take place or that the potential of penalties being issued would prevent parking that affects the pavement.
10. Therefore, it is probable that a vehicle parked to the front of the appeal property would cause a degree of obstruction to users of the footway. As such, the proposal would lead to obstacles to movement along the pavement. This would be potentially hazardous to users of the footway, particularly people in wheelchairs and those with a visibility impairment.
11. I am referred to section 184 of the Highways Act 1980 and the lack of any mention therein to the size of a parking space. However, this legislation relates to requests to a highway authority to carry out works. It has no bearing on the factors to consider in the determination of a planning application or appeal.
12. The location of the dropped kerb would comply with the terms of the Pack in that it would be more than 10 m away from the junction of Church Road and Cherington Road. Outside the site, the road is one way, straight with good forward visibility and subject to a 20 mph speed limit so traffic tends to be slow. Also, there is no evidence that the kerbside parking space to be replaced by the proposal has caused highway safety problems. For these reasons, I conclude that vehicular movements related to the development would not prejudice traffic safety, even though it would lead to reversing onto the carriageway. However, acceptability in these regards does not address or override the concerns in respect of parking and obstruction.
13. Therefore, I conclude the development would harm the safety of users of the pavement. In these regards, it would not accord with LP policy T4 and policy 1.1 of the Ealing Development Strategy Development Plan Document 2012.

These aim, amongst other things, to provide safe places and to avoid an increase in road danger.

Other Matters

14. The proposal would allow a vehicle to park close to a charging point. As such it would promote the use of ultra-low emission vehicles and so it would help reduce the environmental impact of traffic. However, despite comments to the contrary from the Council's highway officers, there is no local or national policy that allows electric vehicle charging points at the expense of the safety of users of a public footway. Moreover, the benefits in these regards would be modest as only a single charging point serving one parking space would be provided.

Conclusion

15. The harm identified above means that the proposal would not accord with development plan policies when read as a whole. The benefits of the scheme and other factors are of insufficient weight to justify a grant of planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR