
Appeal Decision

Site visit made on 15 September 2021

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/A5270/D/21/3273661
1228 Greenford Road, Greenford, UB6 0HQ

- 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 Farzin Doroudian against the decision of the Council of the London Borough of Ealing.
 - The application Ref 204468HH, dated 31 October 2020, was refused by notice dated 28 January 2021.
 - The development proposed is the formation of a vehicular crossover.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicular crossover at 1228 Greenford Road, Greenford, UB6 0HQ in accordance with the terms of the application, Ref 204468HH, dated 31 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos PL/SM/2997-01, PL/SM/2997-02 and PL/SM/2997-03.

Procedural Matters

2. Since the date of the decision The London Plan 2021 (LP 2021) was published on 1 March 2021. The Council's decision notice referred to Policy 6.3 of the London Plan 2016 (LP 2016), which is now superseded. The Council was invited to express their view on the LP 2021 insofar as it may relate to the appeal. No response was received.
3. The Council's decision notice refers to their *Vehicle Crossovers: Application Pack for Residents (2016)*. Upon request, I was provided with a copy of the document which is entitled *Dropped Kerb Application Pack for Residents - July 2021*. The 'version history' which is set out within the document shows that only minor amendments have been made since the 2016 publication.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal property is a semi-detached dwelling within a row of similar properties that front on to Greenford Road, a fairly busy main road with a 20mph speed limit. The proposal is to create a dropped kerb at the edge of the pavement to provide vehicular access to a new parking space within the property's front garden. The parking space would be perpendicular to the road.
6. The Council is concerned that because the property's frontage would be of insufficient size to enable a vehicle to turn and thereby enter and exit the site in forward gear, there would be an unacceptable danger to users of the adjoining highway. There is further concern expressed due to the proximity of the appeal property to a traffic signal-controlled junction, a short distance to the east where Berkeley Avenue joins Greenford Road.
7. The reason for the refusal states that the proposal would fail to adhere to the Council's *Vehicle Crossovers: Application Pack for Residents (2016)*. This has been provided to me by the Council as their *Dropped Kerb Application Pack for Residents - July 2021 (DKAPR)*. This document has been produced by the Council's Highways Service and is intended to provide guidance to help residents work out whether an application for a vehicle crossover would be likely to be successful. It regularly refers throughout to the separate need for applicants to obtain planning permission in certain circumstances. Despite being produced by the Highways Service it is clear from the Council's reasoning within the planning application officer's report that the document is relied upon as guidance in the determination of planning decisions. It is also clear from the officer's report that the consultation comments from Transport Services (as they are referenced within the report) were material in the determination of the planning application at No 1228.
8. Section 7 of The DKAPR sets out criteria to be met for all residential crossovers. It gives minimum dimensions for the size of the frontage to any dwelling as 2.4m wide by 4.2m deep. There is a further requirement for there to be a path of at least 1.2m wide leading from the public footway to the front door when a car is parked in the front garden. Elsewhere in the document there is a stated requirement for a proposed crossover to be located more than 10m from the nearest road junction. The appeal proposal satisfies all of these requirements, as is depicted within Drg Nos PL/SM/2997- 01 and 02. There are no circumstances within the DKAPR given where a greater minimum size for a garden frontage would be required. Despite this, the Council's Transport Services state that a minimum space of 10m x 8m is required in this instance to ensure a vehicle can enter the site, manoeuvre within it to turn around, and exit in forward gear. The reason given is because Greenford Road is a main distributor road carrying a substantial flow of traffic. However, I have been presented with no data to demonstrate traffic flows or speeds at different times of the day, or any records of crashes or incidents in the vicinity. My own observations during my midweek, morning visit was that traffic flows were steady and that speeds appeared broadly within the limit. Greenford Road is straight along this section and I saw nothing about the highway conditions to

suggest to me that there was any inherent danger that would imply that the Council's normal guidelines for providing an acceptable dropped kerb should not apply.

9. In addition to this, the appellant has drawn my attention to two recent planning permissions that have been given for directly comparable proposals at Nos 1220 and 1222 Greenford Road, both just a very short distance from the appeal site. Planning permissions were given for the provision of a vehicular crossover to each as recently as October 2020 and March 2021 respectively. Whilst these pre-date the latest version of the DKAPR, I have not been directed to any change in the guidance that occurred in July 2021 that would be relevant to the current appeal proposal. During my visit I saw that the permission for No 1222 was unimplemented but that works were underway at No 1220. I find very little difference in the circumstances between the appeal property and these two other cases. Whilst No 1228 is slightly nearer to the nearby traffic signals, it is well beyond the minimum 10m distance that is required by the DKAPR. It is difficult to understand the Council's alternative conclusions in this instance without any substantive evidence from them to demonstrate their reasoning.
10. Whilst the appeal proposal would necessitate a vehicle to either enter or leave the site in reverse gear, I am unable to identify how the arrangement proposed would not be compliant with the DKAPR. It would be comparable to the circumstances at two nearby properties where the Council were recently satisfied that the provision of a vehicular crossover would not impact on highway safety. Based on the evidence that is before me, I am not persuaded that the proposal would introduce any significant increase in the potential for conflict between road users that would impact upon highway safety. I therefore find no conflict with Policy 1.1 of the Ealing Development Strategy 2026 – Development Plan Document insofar as it seeks to support sustainable, safe, and convenient transport networks in the Borough. Policy 6.3 of the LP 2016 is also referenced in the decision notice but this has been superseded and is not relevant.

Conditions

11. In addition to the standard time limit condition, a condition specifying the relevant plans is necessary as this provides certainty.

Conclusion

12. For the reasons given, I conclude that there would be no harm to highway safety. Accordingly, and in the absence of any other identified conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR