
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/21/3272884
36 Horsenden Lane South, Perivale, UB6 8AD

- 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 Feras Abed against the decision of the Council of the London Borough of Ealing.
 - The application Ref 203482HH, dated 2 September 2020, was refused by notice dated 4 February 2021.
 - The development proposed is a vehicular crossover.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicular crossover at 36 Horsenden Lane South, Perivale, UB6 8AD in accordance with the terms of the application, Ref 203482HH, dated 2 September 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: Site Location Plan and Drg Nos 256-EXT-01 and 256-PROP-02.

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 The Council's decision notice referred to Policy 6.3 of the London Plan 2016, which is now superseded.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 Issues

4. The main issues are the effect of the proposal on highway safety and upon the residential amenity of the area with regard to the loss of on-street parking.

Reasons

5. The appeal property is an end of terrace within a row of similar properties that front on to Horsenden Lane South, a fairly busy 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. There is a Controlled Parking Zone (CPZ) in operation along this stretch of highway. The proposal would result in the loss of some on street parking.
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 a bend in the road to the north of the appeal site.
7. The first 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 reason for refusal that the document has been relied upon as guidance in the determination of the planning application. It is also clear from the officer's report that the consultation comments from Transport Services and Highways Service were material in the determination of the application.
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. There is no suggestion that the appeal proposal would not satisfy all of these requirements, as is evident from the Site Location Plan and as depicted within Drg No 256-PROP-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 for this within the officer's report is because Horsenden Lane South is a local distributor road carrying a substantial flow of traffic, often with queues forming in front of the appeal site due to a nearby traffic signal junction. However, I have been presented with no data to demonstrate the traffic flows or vehicle speeds at different times of the day. Neither are there

any records before me of crashes or incidents in the vicinity. I saw during my midweek, morning visit that traffic flows were steady and that speeds appeared broadly within the limit. Whilst there is some curvature to the alignment of Horsenden Lane South north of the appeal site, my own observations did not indicate any severe restrictions to forward visibility for vehicles approaching No 36 from the nearside lane of traffic. 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, the appellant has drawn my attention to other properties nearby which have frontage parking and access from Horsenden Lane South, two such examples being Nos 28 and 30, which I observed for myself. I saw other examples in the opposite direction and closer to the nearby Perivale Underground Station. The Council has stated that any most recent planning permissions were as long ago as 2005, although I have not been presented with any details to the planning history for any other properties by either of the parties. Nevertheless, some comparable off-street parking arrangements do exist and inform the current highway context for the area. If the access and egress arrangements to these other examples present any danger to highway safety, it is reasonable to have expected evidence, anecdotal or otherwise.
10. I recognise that the insertion of a new crossover at the kerbside would necessitate the removal of some on-street parking along the bays at the roadside that are provided as part of the area's CPZ. However, there is no evidence from the Council to support an assertion that any loss would unacceptably impact on parking demand in the area. The Council's claim is unsubstantiated. In addition, the DKAPR addresses the issue of on-street parking bays and simply advises that new crossovers will be positioned to minimise any loss and that changes to existing marked bays would often incur significant costs. The guidance does not suggest that there is any prohibition to new crossovers in such locations. By removing parking spaces, and thereby parked cars in the vicinity of the proposed crossover, space would be created at the kerbside to provide visibility of vehicles emerging from the new parking space.
11. 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 other circumstances at nearby properties where vehicles already reverse either into or out of frontage parking spaces. 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, either in terms of vehicles manoeuvring in or out of the parking space or in terms of creating additional demand for on-street parking. Neither can I identify any impact from alterations to the CPZ that would be harmful to the residential amenity of the area. 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. Neither do I find conflict with Policy 7A of the Ealing Development Management – Development Plan Document 2013, which deals with the effect of emissions on the amenity of an area, or Policy 7B which deals

with visual amenity in terms of design. Policy 6.3 of the LP 2016 is also referenced in the decision notice but this has been superseded and is not relevant.

Conditions

12. In addition to the standard time limit condition, a condition specifying the relevant plans is necessary as this provides certainty. The Council has suggested a condition requiring that the materials to be used in the construction of the external surfaces of the development should match those used in the existing building. Given the nature of the proposal, this would be unnecessary.

Conclusion

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

John D Allan

INSPECTOR