

Appeal Decision

Site visit made on 29 December 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/F5540/D/21/3286474

17 Howard Road, Isleworth TW7 6JL

- 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 Laila Khatun against the decision of the Council of the London Borough of Hounslow.
 - The application ref. 00633/17/P1, dated 13 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is described on the application form as “retrospective application for non-porous driveway and pillar to include additional bi-fold (sic) front gates, pedestrian access gate and additional pillar”.
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Preliminary matter

1. The Council’s description of the proposal in its decision notice clarified that the existing non-porous driveway benefits from drainage to a soakaway which is already in place. The descriptions of the proposal given on the application form and the decision notice are misleading as a reader is alerted to one existing pillar and one additional pillar. It is apparent that the proposal would include 3 pillars in total (each 2m high), 2 of which were in place at the time of the application. I have assessed the appeal proposal on the basis that it relates to “an existing non-porous driveway (draining to a soakaway) and 2 existing 2m high pillars and the proposed inclusion of bifold front vehicular gates, a pedestrian access gate and one additional 2m high pillar”.

Decision

2. The ***appeal is dismissed*** insofar as it relates to 2 existing 2m high pillars and the proposed inclusion of bifold front vehicular gates, a pedestrian access gate and one additional 2m high pillar and planning permission is refused for 2 existing 2m high pillars and the proposed inclusion of bifold front vehicular gates, a pedestrian access gate and one additional 2m high pillar.
 3. The ***appeal is allowed*** insofar as it relates to an existing non-porous driveway (draining to a soakaway) and planning permission is granted for an existing non-porous driveway (draining to a soakaway) at 17 Howard Road, Isleworth TW7 6JL in accordance with the terms of the application, ref. 00633/17/P1, dated 13 July 2021 and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
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- 1) The non-porous driveway (draining to a soakaway) hereby permitted shall not be used for the parking of motor vehicles until the 2 existing 2m high pillars have been taken down and removed from the site frontage or reduced in overall height to no more than 600mm above the level of the adjacent public footway.
- 2) Part of the non-porous driveway (draining to a soakaway) hereby permitted close to the eastern side boundary shall be kept available as a minimum 1.2m wide clear path running to the front door of the property from the street and that route shall be retained free from any obstruction along its length.

Main issue

4. The main issue is the implications of the development for pedestrian safety.

Reasons

5. No. 17 lies at the end of a short terrace of 4 houses on the southern side of Howard Road which is a one-way residential street with a 20mph speed limit marker painted on the carriageway. The front door to the property is in the side elevation facing the eastern side boundary.
6. The proposed scheme of works would utilize an existing crossover which would not be altered. The previous concrete-based driveway was in a poor condition and laid without drainage facilities. This has been replaced by another non-porous surface in the form of dark grey block paving with a channel drain and soakaway, both of which have been installed. The hardstanding has been laid to a high standard. There are lighter coloured blocks set within it to create patterns and define the edges. The gradient of the driveway is acceptable. A potential flower bed has been retained along the western side boundary as before. Viewed purely as a replacement physical construction, I could not identify any objections to the hardstanding in itself given the drainage and visual upgrades over the former situation. The Council also reached the view that the proposal, in its entirety, would avoid harm to the appearance of the area.
7. However, the difficulties arise from the use of the driveway when allied to the existing and proposed front boundary treatments.
8. The scale to which the site block plan has been drawn makes its interpretation somewhat problematical. Nonetheless, I found the driveway to be 6.5m deep and the parking spaces appear to be 4.8m deep, taking both measurements from the front of the house and not the drainage channel set out in front of it. However, there is a conflict between the 3 parking spaces indicated upon that plan and the categorical statement on the application form at section 11 that the number of proposed car parking spaces would be 2, just as the pre-existing situation. I note also the most easterly of the 3 indicative car parking spaces on the plan would be almost impossible to use if the central space was occupied, as it would be partly placed behind the proposed pedestrian gate and one of the pillars. The plan also shows that the opening and closing of the proposed bifold vehicular gates could be restricted by vehicles parked on the forecourt.
9. Of more concern is the fact that the 3 pillars (2 of which are in place) would reach an overall height of about 2m above the level of the adjacent public footway. The Council's Residential Crossovers and Off-Street Parking Policy (RCPP), adopted in October 2016, says that pedestrian visibility splays of 2.4m x

2.4m at the back of the footway and on both sides of the crossover will be required and that there must be no obstructions over 600mm high in this area. Generally, this will require the front boundary of the property to be no higher than 600mm. All parts of the proposed front boundary structures (gates and pillars) would be between about 1.5m high and about 2m high. As such, it has not been demonstrated that there would be the required pedestrian visibility splays. It would therefore be very difficult for drivers making an exit from the appeal property to safely see pedestrians approaching along the public footway on this side of Howard Road. In turn, pedestrians would not be adequately aware of vehicles emerging from the property's driveway. There would be an unacceptable impact on pedestrian safety.

10. The appeal scheme would not: create a place that is safe; minimize the scope for conflicts between pedestrians and vehicles; or respond to design standards. I accept that the proposal is modest in scale and that the vehicular manoeuvres from the property would take place at low speeds and would not be as frequent as those along say an adopted road or for other land uses but the relevant design standards are applicable to single family dwellings. If accident records for the locality confirm that no single incident involved vehicle movements to and from existing crossovers, this might be to do with the generally low height of the front boundary structures I saw along Howard Road. I also acknowledge the safety and security reasons for the proposed works as expressed in the appellant's personal statement at Appendix A of the appeal statement and I do not dismiss them lightly but they do not provide justification for the creation of a situation that would result in hazards for pedestrians.
11. I conclude on the main issue that the adverse implications of the development for pedestrian safety would place the scheme in conflict with the aims of Policy EC2 of the Hounslow Local Plan 2015-2030 which, amongst other things, seeks to secure a more sustainable local travel network that maximises opportunities for walking and avoids adverse impacts on the transport network. This policy is not inconsistent with the National Planning Policy Framework (the Framework).
12. The appellant has not commented on the Council's other identified concern; the absence on the plans of a minimum 1.2m wide clear path running to the front door of the property from the street as required by the RCPP. This would be very difficult to achieve if the plan was to be fully implemented as submitted. I consider that this matter could be addressed by a planning condition as I explain in the next paragraph when summing up my overall approach to this appeal.
13. The Framework advises that local planning authorities should approach decision making on proposed development in a positive and creative way and should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. As I have found that no harm would result from the hardstanding in itself, I intend to issue a split decision on this appeal: this will permit the existing non-porous driveway (draining to a soakaway) but not the 2 existing 2m high pillars or the proposed inclusion of bifold front vehicular gates, a pedestrian access gate and one additional 2m high pillar. The part of the proposal I am allowing has already been implemented but 2 conditions are necessary which should not come as a surprise to any party. Firstly, the 2 existing 2m high pillars need to be taken down and removed from the site frontage or at least reduced in overall height to no more than 600mm

above the level of the adjacent public footway. This would achieve some consistency with the other part of the proposal which is not being permitted. Any other approach to those pillars would be illogical and harmful to pedestrian safety. Secondly, in the interests of pedestrian safety, part of the driveway close to the eastern side boundary should be kept available as a minimum 1.2m wide clear path running to the front door of the property from the street and that route should be retained free from any obstruction along its length. I see no need for it to be marked out as such or laid in a different material. It is sufficient that such a route is kept available for pedestrians.

14. As the part of the development I am permitting has already been carried out, I see no need for any of Council's suggested conditions relating to the time period for the commencement of development, the specification of plans and the use of matching materials.
15. I have considered all the submitted evidence from all the parties but I find no other matters to outweigh the findings that have led to my decision on this appeal. I should emphasize that the appellant remains at liberty to discuss alternative proposals for the front boundary with the Council, regardless of the outcome of this appeal.

Andrew Dale

INSPECTOR