



Appeal Decision

Site visit made on 19 January 2022 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/Q5300/D/21/3286667

75 Avenue Road, London, N14 4DD

- 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 Sadik Gozek against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/02998/HOU, dated 3 August 2021, was refused by notice dated 4 October 2021.
 - The development proposed is creation of vehicular access and hard standing at the front of the property.
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Decision

1. The appeal is allowed, and planning permission is granted for creation of vehicular access and hard standing at the front of the property at 75 Avenue Road, London, N14 4DD in accordance with the terms of the application, Ref 21/02998/HOU, dated 3 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GOZEK-08-PL02A GUZEK-10-PL03 site location plan GOZEK-10-PL01A

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal on highway safety.

Reasons

4. The appeal site is a two-storey dwelling located within a residential area set back from the classified highway named Avenue Road. The proposal seeks to create an access from the highway to create a hard standing area enabling off street parking.
5. The majority of properties within the same section of street as No. 75 have dropped kerbs and off-street parking. The Council note these likely predate the 2014 Development Management Document. However, notwithstanding this, they are an established part of the character of the area and drivers will be well-used to people exiting driveways in the area.

6. At the time of my mid-morning site visit Avenue Road was carrying a modest flow of traffic in both directions, it was easy to safely cross the road without undue delay and there were minimal pedestrians and no cyclists in the area at the time of my visit. I would not therefore describe it as busy although I appreciate my visit represented a snap-shot in time. This notwithstanding, the Council state the road is a classified road and therefore it is to be treated as such.
7. This section of Avenue Road is subject to a 30mph speed limit, is relatively straight and acceptable levels of visibility would be achieved at the proposed point of access and egress. The extended highway verge to the front of the adjacent flats assists in that regard.
8. During the site visit, it was possible to observe a number of vehicles, along this section of street, exiting properties onto Avenue Road by reversing directly onto the highway and also an occupier who reversed into their off-street parking area, enabling them to leave the site in a forward motion. From these observations and without any compelling evidence to the contrary, it is considered that vehicles can safely enter and exit the crossover in both a forward and reverse gear without causing any delays in traffic along Avenue Road and or safety issues to highway users.
9. The drawings, the Council state, depict a small car carrying out various manoeuvres to ensure a vehicle can access the parking area and exit the site in a forward gear. They state, however, that larger vehicles would not be able to carry out these manoeuvres safely and that the area does not appear big enough to accommodate a larger vehicle. However, from the drawings, I consider that most domestic vehicles would be able to manoeuvre and exit the site in a forward position. In regard to the size of the opening, others in the area appear to be of similar size and access and egress appears possible even when vehicles are parked on the highway close to the openings. Moreover, as noted above, a significant number of driveways contain no turning head such that vehicles reverse onto the highway, or from the highway onto the drive. Despite this, no evidence of any incidents or highway safety issues has been presented.
10. The appeal proposal would result in a small number of additional vehicle movements across the footway which may have some slight effect on highway safety. Nevertheless, this presently occurs along both sides of Avenue Road and pedestrians and other users of the pavement will be used to that situation and will be likely to act accordingly. No evidence in the form of accident records has been put forward and within the above context, there is no compelling evidence that the proposal would result in harm to highway safety. It is not considered therefore that the proposal in itself or cumulatively with those neighbouring ones, would result in an adverse impact on the safe and free flow of traffic along this section of Avenue Road.
11. Given the above assessments and having regard to all of the criteria in Policy DMD46 of the Development Management Document (DMD) (2014), the Council has not provided substantive evidence to demonstrate that harm to highway safety would arise in this case.

12. The Council note a previous planning permission ¹ was approved with conditions, one of which sought to close all previous redundant accesses and have the footway reinstated. No details of this approved development or the condition and the reasons for it have been submitted. As such it is unclear how the previous development relates to this proposal. In any event, such a condition does not prevent a newly proposed access from being considered on its individual merits.
13. For the reasons above, the proposal would not give rise to highway safety issues. As such it would accord with the aims of the National Planning Policy Framework (NPPF, 2021) which seeks communities to be safe and accessible, and the requirements of Policies DMD 45 and DMD 46 of the DMD which seek to ensure off-street parking has no adverse impact on road safety and vehicles can manoeuvre safely. In terms of policy DMD 46 it is debatable whether Avenue Road constitutes a 'busy' road where the policy states that new cross overs will not normally be permitted. In any event, use of the word 'normally' indicates that there will be circumstances where such proposals are acceptable. In this instance, I am satisfied that the proposal meets the requirements of subsections a) to h) of the policy such that it would be in line with the overall aims of the policy. The proposal would also comply with Policy 30 of the Enfield Plan Core Strategy 2010-2025 (2010) (CS) which seeks to promote safe and accessible neighbourhoods and Policy T2 of the London Plan (2021) which seeks to promote healthy streets.
14. The Council note the proposal conflicts with Policy 24 and 25 of the CS, however, these policies relate to improving road networks and provision of routes for pedestrians and cyclists. Reference has also been made to Policy DMD 47 which seeks to ensure access onto roads from new development is carried out to specific design standards. They have also referred to Policy T6.1 of the LP, which relates to residential parking provision in respect of new development. These policies relate to access arrangements for new development, not to serve existing properties and are not considered determinative in this appeal.

Conditions

15. I have imposed the standard time limit condition and have specified the approved plans as this provides certainty. There is sufficient detail regarding the use of materials included within the approved plans, therefore a separate condition to control the use of materials is not considered necessary.
16. The Council has requested a condition to the effect that the work must be carried out by the Council's Highways Infrastructure team. However, who carries out work on a planning consent is essentially a private matter between the parties and the landowners concerned. In planning terms, providing that the work is carried out in accordance with the approved plans, it is not necessary to specify who undertakes the work. It may be that the Council's permission to carry out work over the public highway is required as a separate matter from the grant of planning permission. However, that is a matter for the relevant parties and the suggested condition is not necessary to make the development acceptable in planning terms.

¹ 16/01578/FUL

Conclusion

17. The proposal accords with the most relevant policies in an up-to-date development plan and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal

Chris Preston

INSPECTOR