

Appeal Decision

Site visit made on 5 August 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2022

Appeal Ref: APP/Y5420/D/22/3299978
86 Priory Road, Hornsey, London N8 7EY

- 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 Martin Reed against the decision of the Council of the London Borough of Haringey.
 - The application ref. HGY/2022/0274, dated 18 December 2021, was refused by notice dated 4 April 2022.
 - The development proposed is described on the application form as:
*"Construction of drop-kerb (to be provided by Haringey Local Authority).
Preparation of a water-permeable parking area in the front garden, 500cm L, 200cm W, using suitable blocks, gravel etc.
Provision of a charging point from the household supply suitable for an electrically powered vehicle."*
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposed development upon highway and pedestrian safety and upon the street scene along Priory Road.

Reasons

3. The determination of this appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes Haringey's Local Plan Strategic Policies (HLPSP), the Haringey Development Management Development Plan Document (DPD) and the London Plan (LP). From what I have read, it seems to me that the most relevant development plan policy is DPD Policy DM33 which specifically relates to crossovers, vehicular access and adopting roads.
 4. In particular, Part A of DPD Policy DM33 says that the Council will only support a proposal for a crossover or new vehicular access where it is demonstrated that the proposal does not result in: a) a reduction in pedestrian or highway safety; b) a reduction of on-street parking capacity within a Controlled Parking Zone (CPZ); or c) a visual intrusion to the street scene.
 5. No. 86 is in a terrace of houses (nos 84 to 96) on the northern side of Priory Road. This is a fairly narrow residential street, with the houses, the footway and
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on-street parking on the northern side only. It runs parallel to the main carriageway of Priory Road (A504) which lies to the south. The 2 parts of the road are separated by a low wall and a greenspace known as Priory Common. Another similar terrace (nos 72 to 82) completes the narrower section of Priory Road between its junctions with Warner Road and Park Avenue North. The houses have fairly short front gardens, many of which, like no. 86, are characterized by soft planting with low fences to the front boundary.

6. It is proposed to construct a dropped kerb, 3.75 m wide, to facilitate parking in the front garden of no. 86 on a permeable gravelled grid. This grid would be below the typical 2.4 m wide standard for a parking space, but it would be wide enough to cater for the track width of most vehicles.
7. In terms of pedestrian safety, even though the scheme would relate to a single dwelling the proposed vehicular access could be used several times a day each day. Vehicles would need to reverse into or out of the on-site parking area and cross over the pavement. There is likely to be a degree of pedestrian activity along the footway. Even though the proposal is modest in scale and the vehicular manoeuvres to and from the property would take place at low speeds, drivers reversing a vehicle may not have adequate awareness of pedestrians on the pavement and vice versa. As such, the appeal scheme would not create a place that is safe or minimize the scope for conflicts between pedestrians and vehicles. The provision of a vehicular crossover would introduce a potential point of conflict between vehicles and pedestrians and would not be in the best interests of pedestrian safety.
8. The Muswell Hill and Fortis Green Association feared a reduction in both pedestrian and highway safety. The site does not fall within a CPZ so Part A b) of DPD Policy DM33 is not engaged but as I saw on my site visit there is still evidence of high demand for on-street parking. It is inevitable that reversing movements out of the property would, from time to time, need to take place between parked cars which would impede the visibility between emerging drivers and those already on the road and approaching the site. Drivers exiting the front garden would be focussed on the position of those parked vehicles and the narrowness of the road, whilst those already on the road may not expect a vehicle to emerge into the carriageway at this point when the road is dominated by on-street parking. This would not be in the best interests of highway safety.
9. I find on the first main issue that as the proposal would lead to a reduction in highway and pedestrian safety there would be conflict with DPD Policies DM33 Part A a) and DM2, HLPSP Policy SP7 and LP Policies T1 and T4 which, amongst other things, seek to secure accessible and safe environments and avoid any increase in road dangers. These policies are not inconsistent with the National Planning Policy Framework.
10. Looking at the street scene, with the exception of no. 72, there are no other examples of vehicle crossovers or forecourt parking along this section of Priory Road between its junctions with Warner Road and Park Avenue North. Being at the very end of the row next to a road junction, the development at no. 72 has little impact on the street scene.

11. The front boundaries from no. 74 to no. 96 are largely intact and comprise an assortment of hedging, low fences or low walls, whilst most of the front gardens contain planting. As a result, the visual continuity and enclosure to the street frontage that the retained gardens and boundary treatments provide makes for an attractive and locally distinctive street scene.
12. While an open aspect might be retained in the sense that no new building is proposed as such, this settled environment and the largely uniform layout of the terraced group of houses, of which no. 86 is a part, would still be disrupted by the appeal scheme. The vehicular crossover would enable a vehicle to enter onto and park within the front garden, some or all of the front boundary fencing (the plans are not clear in this regard) would be removed and a gravel grid would be introduced which would lack the visual interest and softness of the existing planted area. Whilst some existing landscaping could be retained and no doubt be added to in response to a planning condition, this would not overcome the harm resulting from the disruption to the visual continuity and enclosure to the street frontage that the appeal proposal would cause.
13. There would be a lasting adverse impact on the street scene. The appeal scheme, if permitted, could legitimately result in neighbouring occupiers seeking to do the same. The collective disruption to other front gardens and front boundary features in this locality would compound the harm I have found.
14. I find on the second main issue that the proposal would result in a visual intrusion to the street scene in conflict with DPD Policy DM33 Part A c). Good design is also a cornerstone of the National Planning Policy Framework.
15. I acknowledge the appellant's wish to use an electric vehicle in the near future and have a convenient layout for the charging cables. I do not dismiss this benefit of the proposal lightly but it does not provide justification for the creation of a situation that would result in the harm that I have found. Moreover, it would not be reasonable to restrict the use of the parking area in the front garden to electric vehicles only.
16. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations.
17. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR