The Planning Inspectorate

Appeal Decision

Site visit made on 13 September 2022

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/Q5300/D/22/3293406
66 Myddelton Avenue, Enfield, London Borough of Enfield EN1 4AG

- 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 Matthew West against the decision of the Council of the London Borough of Enfield.
- The application Ref 21/02246/FUL, dated 03 September 2021, was refused by notice dated 1 December 2021.
- The development proposed is the creation of access and permeably surfaced hardstanding for parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are discrepancies in the descriptions of development as identified on the application form, the decision notice and the appeal form. I have taken the description of development indicated on the application form, as this reflects the development proposal for which consent is sought.

3. As part of their appeal submission the appellant has submitted and referred to two amended plans which did not form part of the original planning application. Annex M.1.1 of The Procedural Guide – Planning Appeals – England advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Annex M.1.2 of the same guide further advises that if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. In this case, and having regard to the Wheatcroft principles[1], the acceptance of the amended plans would prejudice the interests of the Council[2] and any other interested parties, as I cannot be certain that they have had the opportunity to make comment on the proposed amendments. This appeal has therefore been assessed based on the plans upon which the planning application was determined.

Main Issue

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

[1] Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]
[2] The Council of the London Borough Enfield

Reasons

5. The appeal site is located within a predominantly residential area. It comprises a residential property which is set back from the adjacent pavement and carriageway (together known as Myddelton Avenue) by a modest front garden area. On-street car parking is not restricted within the section of the classified road that the appeal fronts on to.

6. Policy DMD46 of the Development Management Document[3] indicates that planning permission would not normally be permitted for new access onto "A" roads and other busy classified roads. No view has been expressed by the Council or the appellant regarding the busyness of the road, but based upon observations made during my site visit, I consider Myddleton Avenue, in so far as it passes the site, to be a busy through road which forms part of at least one bus route.

7. It has not been satisfactorily demonstrated, via tracking details or other means, that drivers of a car would be able to enter and exit the site in forward gear following the implementation of the development proposals. Therefore, and if allowed, the proposed development would result in a driver needing to either reverse from the carriageway on to the parking space, or, to reverse off the parking space on to the carriageway.

8. When reversing from the carriageway on to the parking space, the driver would be required to stop within the carriageway before undertaking the reversing manoeuvre. This action would be harmful to the free flow of traffic along the relatively busy carriageway. Alternatively, when undertaking a reversing manoeuvre from the parking space onto the road, visibility of oncoming vehicles within the road would be restricted by any vehicles which may be parked on-street. Both manoeuvres would create a road safety hazard which would be detrimental to highway safety. Furthermore, by reversing over the pavement, visibility of any oncoming pedestrians would be restricted. This would be to the detriment of pedestrian safety.

9. Even if the hedges within the site boundary were to be cut back to increase the visibility of oncoming pedestrians, this would not overcome the identified harms to highway safety or to the free flow of traffic.

10. For the afore mentioned reasons, the proposed development would have an adverse effect on highway safety. It would therefore be contrary to policies 25 and 30 of the Core Strategy[4], and policies DMD45 and DMD46 of the Development Management Document[3], which seek to; secure improvements to the safety of the public realm; to ensure that vehicles can enter or exit a cross over in forward gear; and, to prevent development which would adversely affect road safety or the free flow of traffic. It would also conflict with policies D8, T1 and T2 of the London Plan, which amongst other things seek to ensure that the public realm remains safe, ensure any impacts on London's transport networks are mitigated, and that the dominance of vehicles on London's streets is reduced.

[3] Enfield Council – Improving Enfield Development Management Document – adopted November 2014

[4] Enfield Council - The Enfield Plan Core Strategy 2010-2025 – adopted November 2010

Other Matters

11. The proposal to utilise 'Grasspark' surfacing, and to retain some planting within the site are neutral factors. This is because no additional planting is proposed, and the implementation of the development proposal would result in the loss of an area of grass to accommodate the 'Grasspark' surfacing.

Conclusion

12. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

13. For the reason given above, I conclude that the appeal should be dismissed.

V Simpson

INSPECTOR