



Appeal Decision

Site visit made on 5 July 2022

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH October 2022

Appeal Ref: APP/Q5300/D/22/3293968

32 Bourne Hill, London N13 4LY

- 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 Chris Paraskeva against the decision of London Borough of Enfield.
 - The application Ref: 21/03926/FUL, dated 18 October 2021, was refused by notice dated 20 January 2022.
 - The development proposed is described as: Erection of crossover on Bourne Hill and crossover on Hillfield Park to form driveway access; electrical charging point.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the safe operation of the highway in the vicinity of the appeal site.

Reasons

3. The appeal site is a detached house with front and rear gardens located at the junction of Bourne Hill and Hillfield Park. It is proposed to create a hardstanding area within the front garden with access points and footway crossovers from both Bourne Hill and from Hillfield Park.
4. Bourne Hill is a busy, classified, road (A111). In the vicinity of the appeal site, the southeast bound and northwest bound carriageways are separated by a hatched 'do not enter, unless it is necessary and safe to do so', area combined with splitter islands. Protected right turning lanes are provided within this area at the junctions of Bourne Hill and the secondary streets leading off it. Double yellow lines are present at the junctions, but the area is otherwise not subject to parking restrictions and there are no controlled parking zones in operation.
5. Bourne Hill is subject to a 30 mph speed limit and at the time of the site visit, in the early afternoon on a typical weekday, there was a regular, two way, flow of traffic. The observed traffic speeds were relatively high and there were relatively few vehicle movements into or out of the side streets leading off Bourne Hill. I recognise that at other times, particularly during the morning and evening peak hours, the traffic flow is likely to be heavier and, due to the residential nature of the surrounding area, there will be higher numbers of vehicles entering or leaving the secondary streets.
6. I also saw that, in places, there were vehicles parked on the carriageway of Bourne Hill, and on the carriageway of the side streets leading from it. It was

apparent from the site visit that the majority of properties on Bourne Hill have off-street parking. The Council state that many of these crossings and driveways are either historic or unauthorised. Nonetheless, regardless of their status, these vehicular crossings and driveways are an existing feature and part of the current highway conditions.

7. The decision notice issued by the Council cites Core Policies 24 and 30 of the Enfield Core Strategy 2010 (the Core Strategy) in the reason for refusal. Core Policy 24 largely sets out strategic aims for the transport network, although it does state that the Council will support the use of low carbon vehicles, including electric vehicles. Core Policy 30 of the Core Strategy expects all developments to be of a high quality of design and have regard to their context. Neither of these policies makes direct reference to the provision of vehicular crossings and they are of peripheral relevance to the principal disputed matters in this case.
8. Policy DMD 46 of the Enfield Development Management Document 2014 (the DMD) specifically addresses the provision of vehicular crossings and is the principal policy against which the proposal should be considered. The Policy sets out that planning permission will not normally be granted for new accesses onto A roads (such as Bourne Hill). It also sets out 8 criteria that will be applied to proposals for new vehicular crossings. The wording of the policy indicates that, in order to be acceptable, all 8 criteria must be met. The supporting text to the Policy, which does not form part of the policy but sets out how it is to be implemented, notes that the Council has prepared guidance to assist with the design of crossovers.
9. This guidance is provided in Enfield Council's Revised Technical Standards for Footway Crossovers 2013 (the Technical Standards). From the copy of the document that I have been provided with, this does not appear to have been adopted as a Supplementary Planning Document but rather forms guidance for the Highway Authority in considering applications for new footway crossings. The document notes that applications for planning permission on classified roads will be considered in accordance with the criteria set out in Enfield's Development Management Document and supporting documentation, particularly with regards to minimising any adverse impact on road safety and congestion. Whilst this document is not a formal planning policy document, it does, nonetheless provide some assistance in assessing the proposal. The Technical Standards covers some of the same criteria as Policy DMD 46 but also provides additional guidance in respect of sight lines and the position of vehicular crossings in relation to road junctions.
10. It is common ground between the parties that the proposal would not cause harm to the character and appearance of the area as a result of the loss of a front garden area; that the proposal would not result in the loss of any street trees; that vehicles would be able to enter and exit the site in a forward gear; and that the proposed off street parking area would be large enough to ensure that parked vehicles would not overhang the footway.
11. Where there is disagreement between the parties is in respect of the criteria relating to the effect on on-street parking; the effect on highway safety and the free flow of traffic on the highway; and whether or not there are alternative opportunities for safe access to the property.

12. Taking these in turn, the proposed vehicular crossings would result in the loss of two potential on-street parking spaces, one on Bourne Hill and the other on Hillfield Park. Neither party has provided any substantive evidence in respect of parking stress in the area, and it is notable that there are no controlled parking zones, typically introduced to address high parking demand, operating on this part of Bourne Hill and the adjoining streets. When I visited the site, I observed that although there were some vehicles parked on both Bourne Hill and Hillfield Park there were still frequent opportunities to park on the carriageway in the vicinity of the appeal site.
13. I accept that this only reflects the parking conditions at the time of the site visit, and that it is likely there will be a greater demand for parking at other times, particularly in the evenings and at weekends. Nonetheless, it was also clear that many of the properties in the near vicinity of the appeal site have off-street parking provision, often capable of accommodating several cars, which would reduce the reliance on parking on the carriageway. The prevalence of driveways and their associated vehicular crossings limits the opportunity for on-street parking on many parts of Bourne Hill and on Hillfield Park. Regardless of this, there is no evidence before me that would indicate that parking demand in the area is so high that the loss of two potential on-street parking spaces would result in an unacceptable increase in parking pressure or that the existing level of parking demand, which would not be increased by the appeal proposal, could not continue to be accommodated.
14. At the time of the site visit there were frequent traffic movements on Bourne Hill which were regular and free flowing. As mentioned above, there were few observed movements through the junction with Hillfield Park. Again, I recognise that the level of vehicular traffic will vary, particularly during the morning and evening peak hours, reflecting the fact that Bourne Hill is a principal distributor road.
15. Due to the level and regularity of vehicle movements on Bourne Hill, a vehicle approaching the appeal site from the south east to make a right turn manoeuvre into the site would have to wait for a gap in the oncoming traffic. If no vehicles were parked on-street outside numbers 31-41 Bourne Hill, opposite the appeal site, the overall carriageway width and protective markings would allow for a vehicle intending to turn right and enter the appeal site to wait for a gap in the oncoming traffic whilst still allowing following traffic to pass on the nearside. However, at the time of my visit there were vehicles parked in this location and I observed that north west bound drivers had to encroach on the hatched area of carriageway to pass these. Although some of the properties in the terrace comprised of 25-47 Bourne Hill are provided with off-street parking, the majority are not and there is a high probability that at most times there will be some vehicles parked on-street at this location as there were when I visited. Consequently, in these circumstances a vehicle waiting to turn right would result in an obstruction of the carriageway.
16. Whilst the prevalence of driveways and crossings already in existence would mean that users of the road would be aware of the fact there may be vehicles slowing down or stopping to access these where there is opposing traffic, the proximity of the access point on Bourne Hill to the junction with Hillfield Park would increase the potential for vehicle conflicts. In addition, due to the large number of driveways currently in existence in the vicinity of the appeal site, the creation of a further access would slightly add to the number of times that

the traffic flow is slowed or stopped at present as a result of other turning manoeuvres .

17. The appellant has stated that the proposed crossings and driveway would operate on the basis that vehicles would enter the site from Bourne Hill and egress onto Hillfield Park. If operated in this manner, this arrangement would potentially reduce the number of vehicle movements through the access point and prevent the need for a vehicle to reverse onto Bourne Hill. Whilst this mode of operation could not be enforced in any practical manner, even if a vehicle instead entered the driveway via Hillfield Park, it would, nevertheless, be able to enter Bourne Hill in forward gear. This said, equally it would not be possible to prevent a driver from reversing onto the adjoining carriageway if they chose to do so.
18. The Technical Standards set out that as a general guide new vehicular crossings should not be located within 10 metres of a junction because of the conflicting movements that can take place and the need to maintain inter-visibility between vehicles emerging from driveways and vehicles on the adjoining highway. Both crossings in the appeal proposal would be within 10 metres of the junction of Bourne Hill with Hillfield Park.
19. If the proposal is operated in the manner suggested by the appellant, e.g. access from Bourne Hill and egress onto Hillfield Park, the potential for vehicular conflicts on Bourne Hill would be reduced as vehicles entering the site from the north west would not reach the junction and it would be apparent to drivers joining Bourne Hill from Hillfield Park if there was a vehicle waiting to turn into the appeal site having approached from the south east. However, as set out above there is no mechanism proposed to ensure that the site would operate in this manner.
20. The Council have raised concerns regarding the presence of a street tree and its effect on forward visibility. From what I saw when I visited the site the effect of this tree on visibility for vehicles entering or leaving Hillfield Park is minimal. That said, the appeal site currently has high vegetation around the site boundary which has a greater effect on forward visibility for drivers approaching from the north west and wishing to turn left into Hillfield Park. If maintained at its present height drivers approaching from this direction and entering Hillfield Park from Bourne Hill would not have time to react to a vehicle egressing the appeal site. Similarly, this existing vegetation would obstruct intervisibility between a vehicle leaving the site and pedestrians using the footway.
21. Whilst this situation would result in conditions that are prejudicial to highway safety, both issues could be resolved by the removal of the high vegetation around the site or restricting its height to that of the existing wall around the site boundary. This could be achieved by use of an appropriately worded planning condition.
22. Although I have had regard to the Council's point that vehicles parked on the carriageway may obstruct visibility for a vehicle emerging from the proposed new access/egress points, this is not an uncommon situation on Bourne Hill and elsewhere. Drivers emerging from between or adjacent to parked vehicles tend to edge out cautiously until they can see any approaching vehicles in the running carriageway. This also allows on-coming vehicles to become aware of the emerging ones.

23. Taking the above points overall, the provision of a new access point from what is a busy, main road, would increase the potential for disruption to the free flow of traffic and increase the hazards to road safety. Nonetheless, this has to be seen in the context that there are many pre-existing access points to dwellings on Bourne Hill.
24. In these circumstances, although the proposal would have a minor adverse effect on the free flow and safety of traffic on the adjoining highway and on highway safety, taken in context, the proposal would not necessarily offend Criteria d) or e) of Policy DMD 46 to the extent that planning permission should be withheld on this basis alone.
25. The final disputed criterion is criterion g) which requires it to be shown that there are no alternative opportunities for safe access to the property. The appellant suggests that it is not practical or feasible to have parking to the rear, as this would introduce a pattern of development out of character to the area, create potential for adverse impacts to neighbouring residential amenity, and potentially threaten street trees through incursion to root protection zones.
26. It is clear that the appeal building has a relatively large rear garden that would be capable of accommodating a vehicular hardstanding albeit that the garden area currently contains a number of timber structures. An access and hardstanding in this location would be well separated from the junction and although it would potentially result in a vehicle reversing onto the carriageway, Hillfield Park is a lightly trafficked, residential, street as opposed to a main thoroughfare.
27. Adjacent to the boundary fence at the rear of the garden of the appeal building there are two garages with associated driveways located between the fence and number 2 Hillfield Park. The Ordnance Survey based location plan submitted with the application also shows a similar arrangement opposite, although I noted that this appears to have been replaced by a new building to the rear of number 30 Bourne Hill and adjacent to number 1 Hillfield Park.
28. I also saw that the properties at numbers 23 and 25 Bourne Hill have a driveway and a garage respectively within their rear gardens accessed from Burford Gardens. Therefore, parking to the rear of the house is a feature that is present in the area. Whilst there is a small street tree located adjacent to the gable wall of the appeal building, due to its location, it would be possible to create an access to the rear garden without damaging the roots of this tree. I accept that a hardstanding within the garden area may have some potential for causing disturbance to neighbouring properties. However, number 2 Hillfield Park is separated from the garden of the appeal building by two garages, and the boundary fence between the garden of the appeal building and that of number 34 Bourne Hill would reduce the potential for headlight glare. Any noise from car engines, closing of doors or car radios would be intermittent and short lived and there is no evidence that would indicate that this would have a greater effect on the occupiers of number 34 than the presence of a driveway at the front of the appeal building.
29. For the reasons set out above, I do not find the reasons proffered by the appellant persuasive and it has not been demonstrated that no alternative arrangements for off-street parking could be provided.

30. Policy DMD 46 is clear that planning permission for new accesses onto 'A' roads will not normally be permitted for reasons of road safety and maintaining traffic flow. The Policy also sets out 8 criteria which must be met in order for planning permission to be granted. The appeal proposal meets 5 of the criteria, however, the proposal would slightly increase disruption to traffic flows and increase hazards to road safety. In addition, it has not been demonstrated that there are no alternative opportunities to provide safe access to the property.
31. Taking these points together, as an alternative approach that would have a lesser effect on highway safety, and which would not have an effect on the classified road, would appear to be practical, the appeal proposal would not meet the requirements of Policy DMD 46 when taken as a whole.
32. I therefore conclude that the proposed development would cause harm to the safe operation of the highway in the vicinity of the appeal site. It would not comply with the requirements of Policy DMD 46 of the DMD.

Other Matters

33. The Council have not raised any concerns with respect to the provision of an electric vehicle charging point, and from what I have read and from what I saw when I visited the site, I have no reason to find otherwise. Nonetheless, this does not overcome the harm that I have identified.
34. I have also had regard to the appellant's personal circumstances, however, it has not been demonstrated that the appeal proposal is the only option to provide safe and secure access to the house. Consequently, I can give little weight to this factor.

Conclusion

35. I have found that the proposal would cause harm to the safe operation of the highway in the vicinity of the appeal site and that, as such, it would not comply with the policy in the development plan which is most important for determining the appeal. No material considerations have been identified that would indicate that permission could be granted for a proposal that does not comply with the development plan.
36. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR