



Appeal Decision

Site visit made on 27 September 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/Q5300/D/22/3302638

32 Avenue Road, Southgate, London, N14 4EE

- 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 Ms A Brohan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/01238/HOU, dated 8 April 2022, was refused by notice dated 8 June 2022.
 - The development proposed is described as 'dropped kerb for vehicle crossover'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision describes the proposal as 'Vehicular access and hardstanding' and as this describes the proposal more accurately and I have therefore considered the appeal on this basis and used that wording in the formal decision above.

Reasons

3. The main issue in this appeal is the effect of the proposed access on highway safety. The development plan includes policies CP24 and CP30 in the Enfield Core Strategy (2010) and policies DMD37 and DMD46 in the Enfield Development Management Document (2014) which together, seek to encourage safe and accessible neighbourhoods. The more recent National Planning Policy Framework has a similar objective. Policy DMD46 says that vehicular accesses will not normally be permitted on classified roads.
4. Avenue Road is a classified road through a residential area comprising many different types of properties. The appeal site comprises a semi-detached cottage style dwelling with a small front garden which has already been hard surfaced and has a low front boundary wall, in attractive materials with an opening at the front. The appellant says that in 2005 planning permission was granted under application ref RP/05/0295 for development at the adjacent dwelling at no 30 which included a vehicular access for the appeal site which was never implemented. Many of the other dwellings in this section of the road have vehicular accesses but I have not been made aware of the planning status of most of those and many appear to have been constructed some time ago. Therefore, the previous permission for the appeal site and, in all likelihood, many of the existing accesses, pre-date the Council's current policies and as such do not set a precedent for this appeal.

5. The Council's Transportation Team has said that policy DMD46 seeks to resist all but the most exceptional accesses on classified roads to prevent the cumulative adverse impact of many additional crossings. Whilst the proposal would meet many of the requirements set out in that policy, it would not meet criterion f) which requires that '*Vehicles can enter / and exit the crossover in forward gear*'. I disagree with the appellant's interpretation that this part of the policy clearly states 'enter or exit'. This is because supporting paragraph 9.2.5 to that policy explains that '*Hard standing for vehicles to park on in a front garden should ideally be of a sufficient size which enables a vehicle to enter and leave the site in forward gear where practical. This is particularly important on classified roads*' and goes on to say that proposals will be treated on a case by case basis, taking into account the effect on traffic flow, particularly buses. I have also noted that the Council's Revised Technical Standards for Footway Crossovers (2013) says that reversing on or off may be acceptable depending on visibility, volume, road width, street furniture and the impact on pedestrians.
6. Although the Inspector for an appeal for two vehicular accesses at no 26 in 2018 found that the road was not busy and that on-street parking demand was not high, I have based my findings on my own observations. At the time of my visit, in the middle of a week day afternoon, there was a steady flow of traffic in both directions but with some gaps that allowed for crossing the road. However, it was clear that at busier times of day the flow of traffic would be significantly greater. The appellant has said that buses pass along the road every 20 minutes and that there are no defined bus stops as it is a 'hail and ride' service. That seems to me to be a frequent service that is likely to generate a steady number of pedestrians and the Council's policies seek also to encourage other means of travel.
7. In this section of the road there is on-street parking on both sides of the road and at the time of my visit, whilst there were a few spaces remaining, there were cars parked on the road on either side of the proposed access. These, together with the number of street trees, would be likely to cause some visual obstruction to drivers when reversing in or out of the proposed access and to other road users including pedestrians and cyclists, despite the generous width of the road and the pavement.
8. I accept that given the number of existing accesses, other road users would be aware of the need to take care but an additional access would have a cumulative impact that would worsen the safety of pedestrians and cyclists along this part of the road. Given the steady flow of traffic and the frequency of buses along the road, it is likely that it would also cause some disruption to the flow of traffic, including buses. Although the appellant says that this part of the road is not as busy as the southern end and that there has been no objection from other residents, from what I have seen and the evidence before me, the impact here would be significantly harmful.
9. I have noted that in the 2018 appeal referred to earlier at no 26, permission was granted for two vehicular accesses to a detached dwelling on a corner site, close to the appeal site. However, that proposal was for an access onto both Avenue Road and another access onto Farmleigh which allows for vehicles to enter via one access and leave through the other without the need to reverse. That is not the case in this proposal and that appeal decision does not,

therefore, provide justification for overriding the harm that would be caused here.

10. Both national and local planning policies seek to encourage sustainable means of travel and policy CP24 in the Council's Core Strategy seeks to support the use of electric vehicles. The appellant says that if the appeal is dismissed, she would be unable to own an electric car. Although the proposal would make charging an electric car easier, I disagree that it is essential given the increasing number of public charging points. Whilst this is a laudable intention, safety must be a paramount consideration.

Conclusion

11. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and that there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector