
Appeal Decision

Site visit made on 14 November 2022

by Graham Stallwood BA(Hons) DipTP MBA FRTPI MCMi FRSA

Appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/F5540/D/22/3306596

43 Chertsey Road, FELTHAM, TW13 4RD

- 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 Nguyet Nguyen against the decision of London Borough of Hounslow.
 - The application Ref 00424/42/P1, dated 19 May 2022, was refused by notice dated 14 July 2022.
 - The development proposed is a vehicle crossover with dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was amended through the submission of a revised drawing number 4982/2 with the appeal. The amended plan added visibility plays to the original drawing and uses the same drawing number as that submitted with the original application.

Main Issues

3. The main issues are:
 - a) The effect of the development on the character and appearance of the area.
 - b) The effect of the development on the safety of highway users, including pedestrians.

Reasons

Character and appearance

4. The proposed vehicular access would cross a wedge-shaped area of highway verge located between the carriageway and the footway. The verge already features accesses serving numbers 35 and 39 Chertsey Road, which are finished with a 'grasscrete' type surface as they cross the verge. The visual appearance of the verge consequently remains grassed, and the character is largely retained. These homes, and others nearby, have parking on their frontages.
5. The Council's report refers to the crossover at 39 Chertsey Road as pre-dating the current policies, but I have not been provided with evidence either to support or dispute this. Irrespective of whether the permission or construction

of this development pre-dates current policies, it exists and is part of the context of the site.

6. The Council's report and reason for refusing permission refer to its Residential Crossovers and Off-Street Parking Policy 2016. This Policy does not appear to be part of the Development Plan or a Supplementary Planning Document and therefore I attach limited weight to it. Amongst other things, it advises at paragraph 5.9 there is a "presumption against construction of crossovers if a verge or amenity area measures 5m or more in width", but also states at the next line "In such circumstances each application will be assessed on its own merits". The verge here is notably wider than 5m.
7. The verge is slightly wider at the site than at 35 and 39 Chertsey Road where there are existing accesses. Subject to the proposal being surfaced in a similar material to the accesses at those properties, I am satisfied the vehicle access would retain, and not be harmful to, the character or appearance of the area. This is the overall aim of Local Plan Policies CC1, CC2 and SC7. Policy SC7 explicitly relates to residential alterations and includes, amongst other things, a requirement that proposals do not harm the character and appearance of a building and its context.
8. Although I attach limited weight to the Residential Crossovers and Off-Street Parking Policy 2016, I have assessed the proposal on its own merits as paragraph 5.9 of the Policy suggests. The Officer's original report also refers to the Council's Residential Extensions Guidelines Supplementary Planning Document as background, but it does not identify any specific element of this Guidance in support of refusing the application and I see no reason to disagree.
9. For these reasons the proposed development complies with Local Plan Policies CC1, CC2 and SC7 relating to the character and appearance of the area.

Highway safety

10. The A244 Chertsey Road is well used. An additional vehicular access would introduce a new series of vehicle movements in and out of the road and across the footway, with the potential for the movements to be both in forward and reverse gear.
11. The Council has not suggested a new access point onto the road is unacceptable in principle, and I see no reason to reach a different view. The road includes both junctions and crossovers, and the safety of new proposals can be assessed individually.
12. The proposed access would be within a few metres of where the kerb radius for the nearby road junction ends. This junction serves a slip road to Ellington Road and other side roads, and I observed it being reasonably well used with vehicles both turning into it and pulling out. In my assessment there would be a reasonable likelihood of conflicts between users of the proposed access and movements from other vehicles, such as those exiting the junction.
13. It is also likely that the proximity of the proposed access to the junction would cause confusion to road users. When vehicles indicate an intention to turn, road users would likely be unclear whether the indicating vehicle intends to turn into the proposed access or the existing junction. Such confusion would unacceptably reduce safety, including from unexpected braking or turning.

14. In relation to the access across the verge, the Council is critical of the drawings for not including dimensions, although dimensions should not be necessary where a plan is drawn to scale. Despite the nearby telegraph pole and streetlight being shown on the submitted plans, I am not convinced they are accurately sited. From my observations on site both pieces of street furniture would still appear in the visibility splays and marginally reduce visibility for drivers in some views. The curve of the road and the openness would though mean that drivers leaving the proposed access would retain sufficient visibility when leaving the site in both forward and reverse gears. Users of Chertsey Road would also retain sufficient visibility of vehicles using the proposed access.
15. The property frontage is sufficiently deep to accommodate a vehicle without it overhanging the footway and causing an obstruction to footway users. From my observations on site and the visibility splays on the amended drawing, I am satisfied that drivers and pedestrians would have sufficient visibility of each other as vehicles cross the footway to retain a safe environment.
16. As explained before, I attach limited weight to the Residential Crossovers and Off-Street Parking Policy 2016. The verge is more than 5m wide, but I have assessed the proposal on its own merits as paragraph 5.9 of the Policy suggests, with explicit consideration of highway safety.
17. Although I have concluded that pedestrian safety would be maintained and that there is sufficient visibility at the point of access to the carriageway, the access itself would unacceptably reduce highway safety. This is contrary to the aims of Local Plan Policy EC2.

Other Matters

18. I have carefully considered the personal aspiration of the appellant to have parking facilities at their property and understand why that might be important to them. However, having concluded that the proposal would reduce highway safety, the appellant's aspirations do not outweigh my conclusions on that main issue.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Graham Staffwood