
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/22/3306584

41 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 David Gamble against the decision of London Borough of Hounslow.
 - The application Ref 00242/41/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 allowed and planning permission is granted for a vehicle crossover with dropped kerb at 41 Chertsey Road, FELTHAM, TW13 4RD in accordance with the terms of the application, Ref 00242/41/P1, dated 19 May 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Except as required by condition 3, the development hereby permitted shall be carried out in accordance with the following approved plan: 4983/2.
 - 3) The accessway across the grass verge shall be finished at surface level using a paving system with a similar appearance to that used to construct the access at numbers 35 or 39 Chertsey Road, TW13.

Preliminary Matters

2. The original application was amended through the submission of a revised drawing number 4983/2 with the appeal. The amended plan added visibility splays 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 sufficiently distant from the turning into the slip road serving Ellington Road and other side roads. This would ensure that movements into and out of the proposed access do not conflict with other vehicle movements and that indications of potential vehicle movements would not cause confusion to other users travelling on Chertsey Road.
13. 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.
14. 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.
15. 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.
16. For these reasons the proposed development would retain safe conditions for pedestrians and road users and avoid adverse impacts on the traffic network, consistent with the aims of Local Plan Policy EC2.

Conditions

17. A condition to link the development to the specific plan is necessary to ensure it is clear what is permitted. Although plan 4983/2 refers to the materials for the access across the verge, the description of the proposed material as "cobblestones" requires greater precision and so condition 3 is necessary to ensure the surfacing material maintains the character and appearance of the area, as required by the development plan.

Conclusion

18. For the reasons given I conclude that the appeal should succeed.

Graham Staffwood