
Appeal Decision

Site visit made on 7 November 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2022

Appeal Ref: APP/A5270/D/22/3303077

237 Bilton Road, Perivale UB6 7HQ

- 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 Anand Davda against the decision of the Council of the London Borough of Ealing.
 - The application ref. 221207HH, dated 21 March 2022, was refused by notice dated 16 June 2022.
 - The development proposed is described on the application form as: "*Drop kerb by 1.20m either side between 235 and 237 bilton road (sic)*".
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Decision

1. The appeal is allowed and planning permission is granted for drop kerb by 1.20m either side between 235 and 237 Bilton Road at 237 Bilton Road, Perivale UB6 7HQ in accordance with the terms of the application ref. 221207HH, dated 21 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Site plan with unique plan reference b90c/uk/770673/1042260; and Proposed vehicle crossing sketch for address.

Preliminary matters

2. The Council, in its decision notice, describes the proposal as "*Formation of vehicle crossover*". Whilst that description is not necessarily incorrect, it fails to acknowledge that what is actually being proposed is a widening of an existing 3m wide vehicle crossover by 1.2m on each side.
 3. Although there is no mention of it in the Council's decision notice, the Council's delegated report referred to "*SPD 8 Crossovers and Parking in Front Gardens 2006*" (SPD8). A copy of SPD8 was not supplied with the Questionnaire (Q). Instead, the Q included a copy of a document produced by the Highways Service titled "*Dropped Kerb: Application pack for residents July 2021*" (DKAPR) which was not actually referred to in the Council's decision notice or delegated report. I subsequently made a specific request to the Council for a copy of SPD8 and for some explanation about the status of that document in relation to the DKAPR. In
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response, I was simply provided with another copy of the DKAPR without any accompanying explanation. The DKAPR has been constantly revised since its introduction in 2012 and clearly provides up-to-date information to help residents work out whether an application for a vehicle crossover would be likely to be successful in the context of the Highways Act 1980. I have given it some weight as a material consideration.

4. It was found in the Council's delegated report that the proposal would detrimentally impact the visual amenity of the street scene and the overall character of the area. For whatever reason, this concern did not find its way into the decision notice which must be taken to represent the settled position of the Council. I shall, however, return to this matter later in the decision.

Main issue

5. The main issue is the effect of the proposed development upon the safety of highway users along Bilton Road.

Reasons

6. No. 237 is a semi-detached house on the southern side of Bilton Road which is a classified road. It is separated from no. 235 by a shared and narrow vehicular access leading to the rear of the houses. The front gardens are fully open to the wide pavement, given over entirely to hardstanding and used for the parking of vehicles. There is an existing dropped kerb about 3m wide directly in line with the shared access and appears to be used for the vehicular movements generated at both dwellings. It is proposed to widen the existing dropped kerb by 1.2m on each side, thus making the single shared crossover 5.4m wide.
7. The Council's sole concern in the decision notice was that the proposed crossover and alteration to the front of the property, by reason of the inadequate depth and width of the forecourt, would not provide sufficient manoeuvrability to allow vehicles a means of ingress and egress in a forward gear. Thus, the Council said the access arrangement would be likely to result in danger to highway users. It seems that this concern was reiterated by the Council's Transport Officer and that the requirement for a minimum front garden space of 10m x 8m to allow vehicles to enter and exit classified roads in a forward gear is set out in SPD8. The DKAPR has no similar requirement. Still, even if SPD8 is still in use, in any assessment of the planning merits of a proposal, it (and for that matter the DKAPR) should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site.
8. Bilton Road is a relatively busy east-west route across this part of Perivale. It is also a bus route although there are no bus stops close to the frontage of the appeal site. There are single yellow line parking restrictions in force along parts of the road on both sides which prevent on-street parking between the hours of 08.00 to 18.30 Mondays to Fridays. This includes the frontages of nos 235 and 237. Other sections of the road have no such restrictions and demonstrate a high demand for on-street parking. The road has a relatively straight alignment outside the appeal site. There is no road junction nearby. The speed limit is 20 mph. The sporadic on-street parking along its length creates intermittent obstructions to passing traffic so that vehicles seem to move at or very close to

the designated speed limit. Moreover, there are many other dwellings with forecourt parking and vehicle crossovers along this section of Bilton Road on both sides. They are an established part of Bilton Road's character. Very few, if any, of those properties benefit from turning space in their front gardens.

9. In general, there is good visibility for vehicles approaching the appeal site from both directions. It is inevitable that reversing movements out of the property would, from time to time, need to take place between parked cars which would impede the visibility between emerging drivers and those already on the road and approaching the site. However, given the presence of the existing crossover, there is no evidence that the proposal would actually lead to a material increase in vehicles reversing into or out of the properties. Moreover, such reversing movements would be undertaken at very low speeds and those already on the road are more than likely to be moving at a slow speed and be very aware of the parked vehicles and many dropped kerbs along the road. In particular, they are likely to be alert to the potential for vehicles reversing into or out of the front gardens between vehicles parked along the roadside. No evidence has been presented to show that there has been a history of accidents along Bilton Road as a result of such manoeuvres.
10. I am aware that the subject shared crossover would exceed the width recommended in the DKAPR by 0.6m. Such a marginal infringement is not of overriding significance in terms of pedestrian safety or the loss of on-street parking capacity, especially given the presence of the yellow line parking restriction in front of nos 235 and 237. The provision of any vehicular crossover can introduce a potential point of conflict between vehicles and pedestrians. Vehicles would need to reverse into or out of the on-site parking areas and cross over the pavement. However, the proposed crossover would not be unduly excessive in scale or width, the vehicular manoeuvres to and from the property would take place at low speeds and drivers reversing a vehicle would have adequate awareness of pedestrians on the pavement and vice versa, given the open frontages to the gardens and the near straight alignment and sizeable width of the footway. Moreover, as I found in the paragraph above there might not be an increase in vehicles reversing into or out of the properties. I am satisfied that the appeal scheme would create a place that is safe and minimize the scope for conflicts between pedestrians and vehicles.
11. I have studied the appeal decision (ref. APP/A5270/D/21/3272884) supplied by the appellant and relating to a proposed vehicular crossover at 36 Horsenden Lane South. I inspected that property after my visit to 237 Bilton Road and noted that the crossover that was allowed in that appeal had been constructed. Whilst I have noted the similarities with the current appeal scheme, I have reached my decision on the proposal before me on its own individual merits and in the light of the specific site context I have found.
12. I find on the main issue that the proposal would not lead to a material reduction in safety for the highway users along Bilton Road. As the proposal would have no adverse implications for transport capacity, connectivity and safeguarding and would avoid any increase in road dangers, there would be no conflict with Policies T3 and T4 of the London Plan 2021. These policies are consistent with the National Planning Policy Framework which seeks to avoid unacceptable impacts on highway safety.

13. Turning to matters of visual amenity, there is already a vehicular crossover between nos 235 and 237 and the proposed physical changes to widen it would be relatively minor. The DKAPR suggests that shared crossovers like the appeal example can be 4.8m wide but, in my view, no serious visual intrusion to the street scene would arise from the 5.4m width proposed. No street trees or other vegetation would be affected. From measurements taken on my site visit, it is possible that one of the wooden bollards in the verge may need to be removed or relocated. The front boundaries of the 2 houses are already open so there would be no loss of enclosure to the street frontage. The proposal would not have such a detrimental impact upon the visual amenity of the street scene or the overall character of the area as to warrant a refusal of planning permission.
14. My finding on the main issue is decisive to the outcome of this appeal. There is no conflict with the development plan. There are no material considerations of sufficient weight which would indicate that a decision should be made other than in accordance with the development plan.
15. The Council has not suggested any conditions in the event of the appeal succeeding and planning permission being granted. In addition to the standard condition on the time limit for commencement, I have imposed a condition specifying the relevant drawings as this is necessary to provide certainty. Those 2 conditions should not come as a surprise to any party.
16. For the reasons given above and taking into account all other matters raised and the absence of objections from local residents, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR