



Appeal Decision

Site visit made on 11 November 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/Y5420/D/22/3305696

144 Cranley Gardens, London, N10 3AH

- 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 Marcus Jones against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/1174, dated 7 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is an additional dropped curb. Refurbishment of current porch. Replacement of current hardstanding reducing it in size and adding new drainage. Amending front brick walls. Minor landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for an additional dropped curb, refurbishment of current porch, replacement of current hardstanding reducing it in size and adding new drainage, amending front brick walls and minor landscaping at 144 Cranley Gardens, London, N10 3AH in accordance with the terms of the application, Ref HGY/2022/1174, dated 7 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Site plan, Front elevation existing, Front elevation proposed, Front elevation proposed (showing updated porch), Front plan existing, Front plan proposed.

Main Issue

2. There is one main issue which is the effect of the proposed dropped curb on the safety of pedestrians in Cranley Gardens.

Reasons

3. The Council raises no objection to the proposed porch or wall alterations or the replacement of the existing hardstanding. I agree these would be acceptable. Original proposals to replace the dwellings windows and garage door have been deleted from the original description of development. I shall therefore restrict my further consideration to the proposed additional dropped curb.
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4. The appeal dwelling is a two storey house on a wider than average plot on Cranley Gardens, a mainly residential street providing access between the B550 Muswell Hill Road and residential area to the west and the busy Park Road to the east. It is subject to a 20 mph speed limit. The existing frontage is mostly paved and could accommodate several cars. Nevertheless, owing to the limited depth between the dwelling and the street, the turning of vehicles within the site would be difficult and unlikely to be possible if more than one vehicle was parked. The proposed additional dropped curb would allow vehicles to enter and leave the site by different entrances and in a forward gear.
5. Cranley Gardens is a wide street with on-street parking on either side. The footway is of a generous width. Dwellings are a mixture of detached and semi-detached larger houses. Most have off street parking for at least one and in many cases two or more vehicles. Dropped curbs are characteristic of the street. Some are double width and serve two adjacent dwellings. Others are wide because they occupy all or most of the frontage of a dwelling. I saw one property on the same section of Cranley Gardens as the appeal dwelling served by two crossovers, laid out in a similar way to the appeal proposal. In addition, there is significant on-street parking availability which was mostly occupied at the time of my site visit although a number of spaces remained.
6. Policy DM33 of the Council's Development Management DPD (DPD), 2017, states that new crossovers will only be supported where the proposal does not result in a reduction in pedestrian or highway safety. The explanatory text refers to Haringey's Vehicle Crossover Application Guidance Notes (VCAGN) and TfL Crossover Guidance. The VCAGN is also referred to in the Council's Delegated Report (DR). However, neither guidance note is referred to in the reason for refusal and the Council has failed to supply copies of these documents. Moreover, it is unclear what weight may be attached to them.
7. The DR sets out that the VCAGN whilst normally supporting a single crossover, limited to a maximum width of 4.8m, sets out circumstances where a second crossover may be permitted. The DR provides a list of criteria, referred to in the consultation response from the Council's Transportation Team, which the report indicates are the normal requirements for a second crossover. The DR indicates that the appeal proposal would meet the criteria in the VCAGN, including adequate footway length between crossovers to provide refuge for pedestrians and I have had regard to that as a material consideration. Nevertheless, the Council contends that the proposal would result in an additional point of potential conflict between vehicles and pedestrians.
8. The appellant has submitted a technical statement prepared by SLR Consulting Ltd which considers the suitability and safety implications of the proposed layout. The statement demonstrates that adequate visibility splays could be achieved at both the existing and proposed access, including pedestrian visibility splays. Moreover, the statement points out that the level of traffic entering and exiting the site would not change.
9. The balance to be struck is therefore between the disbenefit of an additional crossover which would represent an additional point of potential conflict and the benefit of vehicles being able to enter and leave the site in a forward gear and thus provide drivers with better visibility of pedestrians and cyclists and more opportunity for communication between them which would improve safety.

10. Having regard to all the evidence, including the site and surrounding area, I agree with the appellant that the benefits of drivers being able to enter and leave the site in a forward gear would outweigh any disbenefit of one additional crossover in a street where most dwellings have off street parking and crossovers are thus commonplace and frequent and would not take pedestrians by surprise.
11. It is concluded on the main issue that the proposed dropped curb would have no materially harmful effect on the safety of pedestrians in Cranley Gardens. In consequence it would comply with Policy T1 of The London Plan, 2021, Policies DM2 and DM33 of the DPD which, taken together, expect new developments, including vehicle crossovers, to protect, improve and create safe and accessible pedestrian and cycling routes and not impede pedestrian and cycling permeability such that they do not reduce pedestrian or highway safety.
12. Although not a reason for refusal, parking stress is raised by the Council and third parties. However, Cranley Gardens is not within a Controlled Parking Zone and a parking survey submitted by the appellant at appeal demonstrates that, even during the early hours of a weekday morning, on-street parking spaces are available. It is also suggested that by allowing the appeal a precedent could be set for similar developments. However, as in this case, any future proposals would be judged on their own merits and in the light of relevant policy and guidance. The appeal proposal could not, therefore, set a precedent for development which failed to comply.
13. Turning to conditions, in addition to the statutory commencement condition, the Council suggests a condition requiring the development to be carried out in accordance with the approved plans, which is necessary in order to protect highway safety, including pedestrian safety, and the character and appearance of the area.
14. A third party has raised an issue regarding the accuracy of the submitted plans with respect to the position of the boundary with adjoining neighbours. I am satisfied that any discrepancy would not affect the layout of the proposed development. Moreover, this is not a planning issue. A planning condition would not therefore be appropriate to address this matter because it would not meet the six tests for planning conditions set out in the National Planning Policy Framework.
15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR