
Appeal Decision

Site visit made on 1 November 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/F5540/W/22/3297562

Boston Gardens, Chiswick, London W4 2QJ

- 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 Greytile Residents Association against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01478/C/P2, dated 14 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is the installation of electric gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- the effect of the proposal on highway safety in respect of vehicular access and egress at Boston Gardens; and
- the effect of the proposal on accessibility, permeability, and movement.

Reasons

Highway safety

3. Vehicular access to Boston Gardens, a short cul-de-sac, is taken from Burlington Lane, a busy main road. The access is in a location close to Hogarth Roundabout, a complex light controlled major highway junction. I have not been provided with confirmation from the Council or Transport for London of the status of Boston Gardens. However, I saw signs close to the entrance indicating that Boston Gardens is private, and that no thoroughfare exists. The appellant indicates that the appeal site is private land in their statement of case. Nothing before me demonstrates that notice was served on a local highway authority as a landowner. I have therefore determined the appeal on the basis that Boston Gardens is not a public highway.
4. It is unclear from the information before me who is the Highway Authority for Burlington Lane. The Council has provided no comments from their Highways Department. I note Transport for London object in principle to the proposal and say the proposal has the ability to cause harm due to its proximity to the London Underground Piccadilly Line Boston Manor Station. However, that Station is some considerable distance from the appeal site, it is close to another street named Boston Gardens, and I have therefore treated these comments with due caution.

5. I visited the site during the daytime and in the early evening and saw on both occasions that the speed of traffic exiting the Hogarth Roundabout junction towards the appeal site varies. Vehicle speeds tend to change in sequence with traffic light phases at the roundabout junction and with the operation of a nearby pedestrian light-controlled crossing on Burlington Lane. Traffic is limited to 30mph and, while there is clear signage indicating the presence of speed cameras, the initial wave of traffic leaving Hogarth Roundabout tended to accelerate on the approach to Boston Gardens.
6. The road configuration and associated signage allows vehicular access from and egress to Burlington Lane from the appeal site as a left in, left out manoeuvre only. Parking restrictions are present along this section of Burlington Lane which seek to prevent vehicles from stopping at any time, and the entrance to Boston Gardens is well sign-posted with street nameplates attached to a lamp column at the entrance, and to wall pillars. Given the clarity in street signs and the lack of obstructions within the carriageway, the location of the entrance to Boston Gardens is readily discernible to drivers and other highway users. If a vehicle were to enter the cul-de-sac currently in error the driver could, in any event, continue into the cul-de-sac and turn round in one of a handful of turning spaces before exiting safely back onto Burlington Lane.
7. The plans demonstrate how a car could undertake a 3-point-turn within the entrance with the proposed gates installed and closed. However, nothing before me shows how any other sized vehicle could do the same. That being the case, if the proposed gates were closed and access were denied, the development would create the possibility of larger vehicles turning into Boston Gardens then being forced to reverse into Burlington Lane or use parts of the footway and cycleway to reverse and re-join that carriageway. While this scenario may only arise occasionally, it does nevertheless leave the possibility of a significant hazard to other highway users being created because of the proposed development.
8. I have considered whether the possibility of these circumstances arising can be adequately limited through an appropriate planning condition, and I note the conditions suggested by the appellant and the Council in this regard. I am not convinced that either of the suggested conditions would adequately address the concerns I have regarding the possibility of dangerous manoeuvres by large vehicles taking place, particularly at night, because in both cases there remains the possibility that access to Boston Gardens would be denied. Vehicles could enter the access in error at any time, and deliveries may occur outside the hours suggested in the conditions. These circumstances could lead to problems for highway safety on Burlington Lane. Whilst the Council's proposed condition would reduce the likelihood of this occurring it would not eliminate it.
9. The proposed development would fail to ensure highway safety in respect of vehicular access and egress at Boston Gardens. Accordingly, it would conflict with Policies CC1 and CC2 of the London Borough of Hounslow Local Plan 2015 – 2030 (September 2015) ('the Local Plan') because it would comprise poor quality design that fails to accommodate movement in a safe and useable way.

Accessibility, permeability, and movement

10. The appeal site comprises Boston Gardens, a short cul-de-sac of large modern houses fronting onto a block paved shared-surface drive, and Chiswick Square,

an interesting and attractive adjoining courtyard of Grade II listed buildings. The two groups of houses are linked by a walled pedestrian walkway which returns through gated access points to Burlington Lane. Although the pedestrian route is gated those gates were not closed or locked at the time of my site visit and I was able to pass through Boston Gardens into Chiswick Square and on to re-join Burlington Lane unimpeded.

11. Signs are displayed at the entrance to Chiswick Square requesting that the pedestrian gates fronting Burlington Lane are kept closed, but nothing was displayed indicating people should not enter the land. I saw no evidence that people are unable to walk this route at present, notwithstanding the signs displayed at the entrance to Boston Gardens, and I have nothing before me to demonstrate that pedestrian movement through and between the adjoining areas is restricted.
12. When closed, the proposed electric gates would have the effect of significantly restricting permeability for pedestrians and would prevent and dissuade easy access to and through the appeal site thereby creating a limitation on movement. In considering this matter I have had due regard to the Public Sector Equality Duty set out in s149 of the Equality Act 2010. Planning conditions could control the operation of the gates in the manner suggested by both parties. However, this would not prevent the gates from being closed for long periods, nor would it prevent the need for pedestrians, cyclists, or drivers to spend time in using the access controls.
13. The appellant expresses concern about security in seeking to justify the introduction of the proposed gates. However, while I recognise that perception of safety may be a relevant consideration, I have nothing before me that demonstrates the foundation for these concerns. The proposal would introduce unjustified barriers to movement and would therefore not represent inclusive design.
14. Although I have been given no information about those times during the day when unwanted parking and vehicle turning occurs at the appeal site, having regard to the appellant's explanation about how the gates would operate and the suggested conditions, the proposal would not prevent those activities during the daytime.
15. The proposed development would be harmful to accessibility, permeability, and movement. Accordingly, it conflicts with Policy CC2 of the Local Plan, and Policies D5, T2 and T3 of The London Plan (March 2021) which collectively and in summary require development to achieve the highest standards of accessible and inclusive design ensuring that the site remains fully accessible, permeable by foot and cycle being easy to get to and through, easy to understand and navigate and feel safe during the day and night.

Other Matters

16. The appeal site is located within the Old Chiswick Conservation Area. However, the Council's Officer Report indicates that the proposal would not harm the character or appearance of the wider area, a matter noted in the appellant's evidence. The appellant also indicates that buildings in Chiswick Square are Grade II listed. I have not been provided with further information about those buildings, no reference is made to them by the Council, and I note from their completed appeal questionnaire that the Council considers the proposal would

not affect the setting of a listed building. The effect of the proposal on designated heritage assets is not a matter in dispute between the main parties. I have dismissed the appeal for other reasons, and I do not need to consider these matters further.

Conclusion

17. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR