
Appeal Decision

Site visit made on 16 January 2023

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 February 2023

Appeal Ref: APP/N5090/W/22/3308545
45 Daws Lane, Mill Hill, London NW7 4SD

- 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 Jeremy Davies against the decision of the Council of the London Borough of Barnet.
 - The application Ref 22/1660/FUL, dated 29 March 2022, was refused by notice dated 8 August 2022.
 - The development proposed is a new crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the safe and efficient functioning of the adjacent highway.

Reasons

3. The proposal relates to this commercial premises which are located within a short parade of similar uses. The surrounding area contains a mix of residential and commercial uses and Daws Lane is a classified Road (B1461) and accommodates a bus route.
4. The property has a hard-surfaced forecourt, as does the neighbouring property at No 43, which has a dropped kerb adjacent to it. The adjacent building at Nos 47/49 has a crossover which serves an access to the rear and additionally has a hard-surfaced frontage. The frontage of the appeal site has no boundary with No 43 but is separated from Nos 47/49 by a wall. Additionally, within the frontage of the appeal site there is a pedestrian entrance, presumably to flats above, which is protected by a short wall within the appeal site. This would reduce the effective area available for parking and is not shown on the submitted drawings.
5. The Council state that their published guidelines indicate that the maximum width for a crossover is 4.8m, as set out within 'Guidance Notes for Vehicle Crossovers and Accesses for New developments Requiring Highways Authority Approval'. It is stated that when combined with the existing neighbouring crossover, this dimension would be exceeded. It seems clear to me that this would be the case, with little or no separation between the 2 crossovers which

would be insufficient to act as a refuge for pedestrians when passing, in the event of cars manoeuvring.

6. The dimensions of the forecourt are insufficient for cars to park at right-angles to the highway, without overhanging the pavement. The depth of the forecourt is indicated as 3.31m on the appellant's submitted drawing. The appellant indicates that a car could park at an angle within the site. However, this would be restricted by the pedestrian access and, from my observations on site, it would seem that a car parking in such a way would, firstly, need to drive partly over the neighbouring property at No 43 (and do so when leaving) and would be likely to still overhang the pavement. Furthermore, manoeuvring into such a position and out of it would be likely to involve several movements back and forth which would be likely to pose an inconvenience and safety threat to road and pavement users. The appellant has not submitted any tracking evidence to suggest otherwise.
7. Whilst I can see that the Policies and Guidance submitted by the Council do not indicate a presumption against parallel parking, in this individual case, I consider that the proposal would give rise to inconvenience and conditions prejudicial to the safety of pedestrians and road users. Therefore, the proposal is in conflict with Policy T4 of The London Plan, Policy CS9 of Barnet's Local Plan (Core Strategy) Development Plan Document September 2012 and Policy DM17 of Barnet's Local Plan (Development Management Policies) Development Plan Document September 2012. Having considered all other matters raised, I find nothing which is sufficient to outweigh that conflict. Therefore, the appeal is dismissed.

T Wood

INSPECTOR