



Appeal Decision

Site visit made on 30 January 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2023

Appeal Ref: APP/Q5300/D/22/3309431

123 Southbury Road, Enfield EN1 1PN

- 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 Ms Wendy Donegan against the decision of the Council of the London Borough of Enfield.
 - The application Ref. 22/02006/HOU, dated 6 June 2022, was refused by notice dated 3 August 2022.
 - The development proposed is a dropped kerb for vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the Council's decision notice as it better describes the proposed development.

Main Issue

3. The main issue is the effect of the proposed development on the safety of highway users in Southbury Road.

Reasons

4. The appeal site is a semi-detached residential property fronting Southbury Road (classified as the A110) and situated within a predominantly residential area that is located between Enfield Town Centre to the west and the junction with the A10 to the east.
 5. Southbury Road in the locality of the appeal site is relatively wide and straight in its alignment, with a 30 mph speed limit. Rows of residential buildings front the road, many of which have off-street parking on their frontages and dropped kerb crossovers.
 6. At the time of my visit during a weekday afternoon, the road was generally busy and there were frequent bus movements. I observed only the occasional short gap in traffic flow. Whilst I acknowledge that my visit was a snapshot in time, I have no substantive evidence to show that traffic conditions were abnormal.
 7. The appeal proposal is to construct a dropped kerb crossover in the highway to allow vehicle parking on the hard standing forecourt at the front of the appeal property. The forecourt area is relatively generous in comparison to other residential properties in the locality.
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8. The number of vehicles using the proposed dropped kerb crossover would be relatively small. However, the tall masonry piers to the front boundaries of both flanking properties, along with vehicles parked on the highway close to the proposed access, would noticeably restrict the visibility of drivers of vehicles exiting the site and of approaching road users within the highway to see each other. I saw on my visit that parking on the highway along this part of the road was unrestricted and at the time of my visit a large van and a number of cars were parked on the road close to the appeal property.
9. Drivers exiting the appeal site and emerging into the flow of traffic through the narrow gap between parked vehicles, would be obscured from view of road users in the carriageway by these parked vehicles, which may lead to oncoming road users in the carriageway braking suddenly. Vehicles turning into the site from the carriageway would need to slow down to turn into the site through the same narrow gap between parked vehicles, which may lead to road users in the carriageway braking suddenly. This would increase the risk of collisions and present a safety hazard for road users along this busy road.
10. Consequently, the relatively poor standard of visibility afforded to drivers exiting the site of other road users in the highway, and to approaching road users in the carriageway of vehicles exiting the appeal site, would present an unacceptable safety hazard for road users, which would disrupt the free flow of traffic.
11. This level of hazard to road users would be increased when buses are parked in the bus stop opposite the appeal site, narrowing the width of the carriageway for passing traffic. Although the width of the road allows for two way passing traffic between parked buses and vehicles, in this scenario drivers approaching the appeal site would likely be concentrating on maintaining space between oncoming passing traffic and parked vehicles, rather than anticipating vehicles emerging from the appeal site and through the relatively narrow gap between parked vehicles to join the carriageway.
12. There is an uncontrolled pedestrian crossing with a central refuge to the west of the appeal site and close to the junction with Fotheringham Road. Therefore, I find it unlikely that bus passengers would choose to cross the busy Southbury Road at a point directly into the path of vehicles entering or exiting the appeal property. As such, the evidence provided by the Council, including reference to the Enfield Council Revised Technical Standards for Footway Crossovers (2013), does not persuade me that vehicles using the proposed access would conflict with bus passengers either waiting at the bus stop, or boarding or alighting from a bus.
13. The appellant has brought to my attention that a number of properties in the locality have off-street parking on their frontages and dropped kerb crossovers. Although I saw several of these on my visit, I have not been provided with any details of the circumstances relating to them, such as any planning permissions.
14. Furthermore, unlike the conditions at the appeal site, I saw that on-street parking in the areas located broadly around Nos 69 to 103, and Nos 127 to 137 Southbury Road, was generally restricted by either double yellow lines close to junctions, a near continuous row of dropped kerb crossovers, or a bus stop. On-street parking close to the school is restricted by zig-zag markings painted on the carriageway close to the pedestrian crossing. Therefore, use of the

examples brought to my attention are less likely to disrupt traffic flow and so are not comparable to the conditions at the appeal site, and they have little relevance to my considerations.

15. I appreciate that nearby roads experience high levels of on-street parking and the appellant's household often rely on nearby streets for vehicle parking, causing inconvenience. I also note the appellant's reference to future changes to parking and access restrictions in the locality. However, I have no details of the nature of those future changes, nor do I consider that displacing the appellant's parked vehicles from the road to the property's frontage would offset the appeal proposal's harmful effect on highway safety.
16. I acknowledge the appellant's contention that vehicles have, historically, been parked on the frontage of the appeal site and my attention is drawn to a photograph showing a vehicle parked on the site frontage. However, it is not for me, in dealing with this appeal, to determine whether the appellant has a lawful right to use the gated entrance for vehicle access to Southbury Road.
17. Taking these reasons together, I conclude that the proposed dropped kerb for vehicular access to the appeal property would harm unacceptably the safety of highway users in Southbury Road.
18. The proposal would therefore be contrary to Policy T4 of The London Plan (2021) and Policy DMD46 of the Enfield Development Management Document (2014), which set out that development proposals should not increase road danger, and that vehicle crossovers and dropped kerbs will only be permitted where there is no adverse impact on road safety.
19. Furthermore, the proposal would be contrary to paragraph 111 of the National Planning Policy Framework (2021), which states that development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
20. Although the Council quotes Core Policy 30 of The Enfield Core Strategy (2010) (CS), in its reason for refusal, this policy relates to the character and appearance of the built environment and the Council do not suggest there would be any harm in this regard. Similarly Core Policy CP24 of the CS refers to the wider road network and so is not directly relevant.

Conclusion

21. For the reasons given above, and having regard to the development plan as a whole, I conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR