



Appeal Decision

Site visit made on 13 March 2023

by J N Seymour BA (hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023.

Appeal Ref: APP/Q5300/D/22/3310983

31 Eversley Park Road, London, N21 1JJ

- 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 Parit Shah against the decision of the London Borough of Enfield.
 - The application Ref: 22/02513/HOU, dated 18 July 2022, was refused by notice dated 28 September 2022.
 - The development is described as 'Vehicular access'.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a vehicular access, subject to the following condition:
 - i. The development hereby permitted shall be carried out in accordance with the following unnumbered plans entitled: Block Plan, Location Plan, Location Plan 2 and Proposed Block and Section Plan.

Preliminary Matters

2. The description of development taken from the application form reads *"Application for dropped kerb to be installed by the council. We will be doing the driveway to be compliant with the drainage system as per the current driveway regulations. We already have a driveway with no dropped kerb"*. However, I have used the abbreviated description of development displayed on the Council's decision notice as it is more succinct.
3. I observed on site that the boundary wall has been removed and the new block paving shown on the plans had been constructed to the frontage of the appeal site. However, no dropped kerb had been installed. Therefore, the development is part retrospective and I have determined the appeal on this basis, hence there is no requirement for the standard time limit condition to be imposed as the development has already commenced.

Main Issues

4. The main issue in this case is the effect of the proposed vehicular crossover on highway safety and on-street vehicle parking.

Reasons

5. The appeal site is comprised of a semi-detached dwelling located on Eversley Park Road, a classified highway. The proposal seeks to create a vehicular access from the highway and to create a hardstanding area enabling off-street parking.

6. This section of Eversley Park Road between Holly Hill to the north and Willow Walk to the south consists of five pairs of semi-detached dwellings numbered 29 to 47 (odd numbers only) on the western side of the carriageway. These properties benefit from dropped kerbs and vehicle crossovers, except for the appeal site and 47 Eversley Park Road, although the latter has a garage that is accessed from Holly Hill.
7. Areas of hardstanding in front of the dwellings, dropped kerbs and vehicle crossovers are a noticeable part of the character of the dwellings on this section of Eversley Park Road. Therefore, pedestrians will already have to be wary of vehicles from the other properties traversing the crossovers. Similarly, motorists on this road already need to be vigilant of pedestrians before entering or exiting their driveways. Whilst the appeal proposal would increase the number of daily vehicle movements across the crossover, they are likely to be low in number for a single household. In this particular context with neighbouring properties having similar vehicular accesses, the modest increase in vehicle movements would not be materially harmful to highway safety.
8. It was noted on my site visit, and it is shown in the photographs in the delegated report, that motorists living on Eversley Park Road can reverse their vehicles onto their driveways, thus allowing them to leave in a forward gear for their next journey. Moreover, no evidence has been presented by the Council that demonstrates vehicles reversing onto or from the road in this section of Eversley Park Road has resulted in road traffic collisions. This section of Eversley Park Road is subject to a 30mph speed limit. The road is linear and the low boundary treatments in front of neighbouring properties helps to provide good levels of visibility whether motorists are exiting in reverse or a forward gear.
9. The Council has stated that the installation of a vehicular access would result in vehicles reversing from or onto the carriageway, which in their view would adversely affecting highway safety contrary to Policy DMD 46 of Enfield's Development Management Document. However, an assessment site context has not been carried out by the Council and there is no explanation as to why the development would be unsafe in this particular context. In contrast, the observations I have made explain how the creation of a vehicular access and the vehicle movements that would arise from it would not have a materially negative impact on highway safety on this section of Eversley Park Road.
10. My site visit was conducted shortly after 09.00 on a Monday morning where there was a steady flow of traffic. I was present when a bus arrived at the bus stop opposite the appeal site. Due to a parked vehicle on the northbound carriageway, vehicles travelling in both directions could not pass the stationary bus or the parked car as they were occupying both carriageways simultaneously. It was only as the bus continued its journey did the flow of traffic resume.
11. It is acknowledged the delay for the other motorists was brief and that my site visit is a snapshot of the numerous vehicle movements that occur along Eversley Park Road on any given day. The Council has stated the creation of off-street parking would be to the detriment of the free-flowing traffic. However, my observations demonstrate that on-street parking can also create scenarios where delays to the free flow can occur. The single road traffic collision recorded on Eversley Park Road according to the appellant's evidence

involved a motorist colliding with a parked vehicle, therefore the provision of off-street parking has the potential for a similar occurrence to be avoided in future.

12. The Council has also noted the limited size of the proposed driveway. However, with the block paving already been constructed, I was able to see that it would be large enough to accommodate two vehicles in a similar manner to the attached neighbouring property at 29 Eversley Park Road, and the other dwellings on this section of the road which are all set back from the pavement by a similar distance, thus benefitting from a similar depth of driveway.
13. I acknowledge that Policy DMD 46 does not normally permit new vehicular accesses onto "A" roads or other busy classified roads, which are defined as roads carrying more than 10,000 vehicles per day (two-way). Eversley Park Road is not an "A" road and neither party has provided me with a traffic flow survey confirming numbers of daily vehicle movements. Therefore, it is not conclusive that Eversley Park Road is a busy classified road in the context of Policy DMD 46. Nevertheless, I have assessed the appeal proposal against criteria a) to h) within this policy and I have deemed it in accordance with the overall aims of the policy to maintain highway safety.
14. Although no specific comments were made on them in the delegated report, other policies were cited in the Council's reason for refusal which therefore require analysis. Core Policy 24 of the Enfield Plan Core Strategy 2010-2025 ("Core Strategy") relates to delivering improvements to the road networks with six major roads, excluding Eversley Park Road, highlighted as priorities. Core Policy 24, amongst other matters, also seeks the provision of routes for pedestrians and cyclists. The appeal proposal does not conflict with any of the aims set out in Core Policy 24.
15. Core Policy 30 of the Core Strategy seeks to promote safe and accessible neighbourhoods and it states all developments and interventions in the public realm must be high quality and design-led, having special regard to their context. The context of Eversley Park Road has been set out above and it is one characterised by dwellings that benefit from crossovers onto the highway. I am satisfied that the appeal proposal is of a sufficiently high quality to comply with Core Policy 30 in this regard.
16. Finally, reference is made to the Framework, although without citing specific paragraph(s). However, paragraph 111 states development should only be refused on highways grounds if there would be an unacceptable impact on highway safety. This letter has examined that in this particular context the appeal proposal would not cause highway safety issues, therefore it is in accordance with the Framework.

Conclusion

17. For the reasons given above, I conclude the appeal should be allowed and planning permitted be granted.

J N Seymour

INSPECTOR