



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: 25 May 2023

Appeal Ref: APP/N5090/D/22/3308557

608 Watford Way, London, NW7 3JH

- 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 Dr Fezaan Gatrads against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 22/3445/HSE, dated 3 July 2022, was refused by notice dated 5 September 2022.
 - The development is described as 'Cross over and dropped kerb to facilitate ease of egress from front drive'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i. the effect on the character and appearance of the area in relation to street trees; and
 - ii. the effect of the proposed vehicular crossover on highway safety.

Reasons

Character and appearance

3. The appeal site is comprised of a detached dwelling located on Watford Way, a dual carriageway which on my site visit was busy with a steady flow of traffic. The northern edge of Watford Way is characterised by a series of large, detached dwellings fronting directly onto the highway all of which benefit from vehicular driveways, with some consisting of a double driveway entrance with two crossovers. The proposal seeks planning permission for a crossover to create a secondary vehicular access to serve the dwelling from the highway and to create additional hardstanding within the front garden of the dwelling.
4. To create the second crossover a street tree would need to be removed. I noted on my site visit there were numerous street trees lining the north side of the road. The trees help to soften what is otherwise a hard landscaped dual carriageway and therefore they make a positive contribution to the character and appearance of the area.
5. Policy DM01 of the Barnet Development Management Policies 2012 (DPD) advocates the protection of existing trees for new developments. Policy G7,

Part C of the London Plan states when development necessitates the removal of trees there should be adequate replacement based on the existing value of the trees being removed.

6. Whilst the Council acknowledge there is ample scope for re-planting of the tree that would be lost, the appellant has not proposed a replacement of the tree and there is no mechanism in place that would guarantee the tree would be replaced in the event this appeal was allowed. Also, because an assessment of the value of the existing tree has not been undertaken Policy G7, Part C of the London Plan cannot be complied with as there is no baseline from which to judge any potential replacement.
7. Furthermore, in their consultation response to the Council, Transport for London state they would not be supportive of the removal of the tree. The removal of the tree would be detrimental to the character and appearance of the street scene and there is no mechanism in place to secure the planting of a replacement tree. The appeal proposal would therefore conflict with the identified requirements of Policies DM01 of the DPD and G7 of the London Plan.

Highway Safety

8. Vehicle crossovers are a noticeable feature of the dwellings on this section of Watford Road. Therefore, pedestrians will already have to be wary of vehicles from the other properties traversing the crossovers. Similarly, motorists living on this road already need to be vigilant of pedestrians before entering or exiting their driveways.
9. Policy DM17 of the DPD states proposals that unacceptably increase conflicting vehicle movements will be refused. Policy T4, Part E of the London Plan states cumulative impacts on the highway network should be taken into account.
10. Whilst the appeal proposal would create another crossover, it is unlikely to increase the total number of vehicle movements because the new crossover would be serving the same household as the existing one. With no demonstrable increase in vehicle movements resulting from the development, the cumulative impact on the highway network would be negligible. Therefore, the development would not be materially harmful to highway safety in this case.

Conclusion

11. The removal of the street tree will have a detrimental impact on the character and appearance of the area. The proposal therefore conflicts with Policy DM01 of the DPD and Policy G7, Part C of the London Plan and for this reason the appeal is dismissed.

J N Seymour

INSPECTOR