The Planning Inspectorate

Appeal Decision

Site visit made on 16 October 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date:31.10.2023

Appeal Ref: APP/Q5300/D/23/3327381
279 Lincoln Road, Enfield, EN1 1SY

- 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 Phil Bird of Swiss Co 1 Ltd. against the decision of the Council of the London Borough of Enfield.
- The application Ref. 23/00763/HOU dated 24 March 2023, was refused by notice dated 17 May 2023.
- The development is described as construction of a hardstanding in connection with a vehicular access.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the highway safety.

Reasons

3. The appeal property, No 279 Lincoln Road (No 279), is an end terraced dwelling located on the south side of Lincoln Road, adjacent to an access leading to an industrial depot. It would appear vehicular access to the appeal site has historically been derived from this side access. Lincoln Road is a classified road with a 30mph speed limit. There are no parking restrictions within the vicinity of the site and the road is relatively straight and wide along this length. Whilst there are some properties with vehicular accesses and off street parking spaces, the majority of dwellings along this length of Lincoln Road do not have vehicular accesses. Traffic was busy and was steadily moving at the time of my visit, which took place mid morning on a week day.

4. Policy DMD46 of the Enfield Development Management Document (the Enfield DMD) states that on "A" road and other busy classified roads planning permission for a new access will not normally be permitted. It further provides that vehicular crossovers and dropped kerbs allowing for off street parking will only be allowed subject to a number of set criteria identified within the policy. The supporting text indicates that the provision of direct frontage crossovers can adversely affect traffic flow and road safety particularly when their cumulative impacts are taken into account.

5. The proposed vehicular crossover would provide access from the highway to the existing hardstanding across the whole of the appeal site frontage. A vehicle parked in the position shown on the submitted plans would not overhang the highway or prevent pedestrians from using the footway. Pedestrian visibility requirements as set out in the Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers) (April 2013) (TS Guidance) would be met. These are benefits to the proposal.

6. The installation of the vehicular crossover would result in the loss of available on street parking. Whilst the proposal would enable the appellant to park off street this would be for private use only and so would not fully replace the unrestricted on street parking space. A survey undertaken by the agent for the appellant indicates a number of available on street parking spaces at times when there would be likely to be a high demand for parking. The appellant also points to the lack of existing or proposed parking restrictions as evidence of no parking stress in the area. However on my site visit there was a very high level of on and off street parking around the site at a time when I would expect parking demand to be low. I appreciate that my visit was only a snap shot in time. However on the basis of the information before me, I am not persuaded that the loss of the one space would be directly mitigated by the proposal, nor that any parking stress in the area would not be caused by its loss to a wider use.

7. The hardstanding area in front of the appeal property is limited in size which would restrict the opportunity for vehicles to turn around within the site and leave in a forward gear. It is accepted that drivers using the proposed vehicular access would have to reverse into or from Lincoln Road when leaving or entering the site. The TS Guidance recognises that in the case of domestic crossovers it may be acceptable for vehicles to reverse either onto or off the highway, but that acceptability is dependent on a number of factors. Situations listed where manoeuvring onto or off the highway may be hazardous include where visibility is restricted and in the immediate vicinity of a junction.

8. In this instance the vehicle movements associated with one dwelling would be limited. Further, there are no bus stops, signals or pedestrian refuges/crossings within the vicinity of the site. However any reversing manoeuvres would be very likely to be close to parked vehicles given the unrestricted parking and the number of vehicular accesses to properties on Lincoln Road. I also noted a roadside tree and a telegraph pole to the east of the appeal site which would hinder the visibility of road users approaching along in a westerly direction. I accept that the TS Guidance does not include a requirement for on site turning and I note that the appellant indicates that his preference would be to reverse onto the driveway and to leave in a forward gear. However this cannot be assumed and in any event if permission were to be granted it would continue for future occupiers and would be capable of being used for reversing manoeuvres.

9. Notwithstanding the width of Lincoln Road in this location, and likely vehicular stopping distances, reversing into or out of the appeal site onto what I observed as a busy road close to parked vehicles would be far from ideal given the restricted visibility of oncoming road users. Further views of a vehicle reversing into and from the site by approaching road users would be limited and hazardous to users of the highway. Manoeuvres of slowing, stopping and turning into No 279 would also be likely to restrict the free flow of traffic along

Lincoln Road which would be further detriment of highway safety. The impact of this would be likely to be exacerbated because the access would be next to the junction with the access road, albeit private, to the industrial depot.

10. There were several examples of properties with dropped kerbs and off street front garden/forecourt parking along Lincoln Road. Some of these accesses rely on vehicles reversing onto or from the highway. I am not aware of the planning status of these accesses and the detailed circumstances in which these arrangements were accepted, if at all. Further, I have determined the appeal on its own merits and these examples of similar development do not persuade me that this proposal is acceptable. The appellant describes that he is unaware of any accidents which involve movements of vehicles entering and reversing out of accesses along Lincoln Road including the private access road. However this does not convince me that the access as proposed in this specific location would be safe.

11. Accordingly the proposal would harm highway safety and prejudice pedestrian and vehicular movement in the vicinity of the site. It would conflict with Policy DMD 46 of the Enfield DMD, and Policy CP30 of the Enfield Plan Core Strategy (CS). These policies amongst other things aim to seek that development does not result in adverse impacts in terms of the free flow and safety of traffic and that road safety is improved. I have also been referred to CP24 of the CS but this is of limited relevance in my consideration of the main issue. The proposal would also be in conflict with advice contained in the TS Guidance which seeks to ensure safe access to and egress from premises together with the passage of vehicular traffic on the highway. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that proposals have safe and suitable access for all users.

Other matters

12. I note the personal circumstances of the appellant as set out in the statement. The proposal would result in a more convenient and accessible alternative to the appellant and his growing family than parking along the street. I note too the appellant's wish to purchase an electric car and that the proposal would enable an electric car to be charged closer to the dwelling. I have considered these circumstances carefully together with the benefits that the proposal would bring. However, these matters do not outweigh the harm to highway safety that I have identified in this instance.

Conclusion

13. The proposal would be harmful to highway safety. As a result, it would not accord with the Development Plan or the Framework. Accordingly for the reasons given, I dismiss the appeal.

K Winnard

INSPECTOR