



Appeal Decision

Site visit made on 19 October 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/Q5300/D/23/3321886
34 Bourne Hill, Enfield, Southgate N13 4LY

- 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 Miss Ayni Zeki against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/00357/HOU, dated 4 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is described on the planning application form as: "I would like to apply for a vehicle cross over / drop kerb application and I understand I need a planning permission completed first."
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Decision

1. The appeal is allowed and planning permission is granted for development described as "I would like to apply for a vehicle cross over / drop kerb application and I understand I need a planning permission completed first", at 34 Bourne Hill, Enfield, Southgate N13 4LY, in accordance with the terms of the application, Ref 23/00357/HOU, dated 4 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – 34 Bourne Hill N13 4LY

Proposed Front Garden Plan (Ref: PowerPoint Presentation)

Main Issues

2. The main issues are the effect of the proposal on highway safety and the availability of public on-street car parking.

Reasons

3. The appeal site is a semi-detached property fronting on to Bourne Hill, which forms part of a reasonably busy 'A' road linking Southgate to the northwest with the A406 North Circular Road to the southeast. Bourne Hill is flanked mainly by residential properties in the vicinity of the site comprising detached, semi-detached and terraced houses and flats. The road is lined on both sides by grass verges, with footways adjacent to the front boundaries of the residential properties. The verges contain irregular tree planting and are interrupted at varying intervals by the hard-surfaced vehicular access points that serve many of the neighbouring properties.

4. The Council's officer report refers specifically to Policy DMD 46 of the Enfield Development Management Document – Adopted November 2014 (the DMD), which states that vehicle crossovers and dropped kerbs that allow for off-street parking and access onto roads will only be permitted where they meet 8 criteria (A to H). The Council considers the proposal would fail to meet criteria C, D, E and G. I will address each criterion in turn.
5. Criterion C seeks to resist proposals that would increase on-street parking pressures in areas already experiencing high on-street parking demand. Paragraph 9.2.4 of the DMP, forming part of the supporting text to Policy DMD 46, states that permission will not be granted if surveys demonstrate that on-street parking occupancy is high.
6. At my site visit I noted that vehicles were parked on both sides of Bourne Hill in the vicinity of the property. Road markings and the presence of access points indicated suitable locations for on-street parking, and there were numerous spaces available to park on both sides of the road without causing obstructions or parking illegally. Whilst I acknowledge this observation to be a snapshot in time, I am provided with no surveys or any other compelling evidence to demonstrate any particularly high-level of on-street parking demand or occupancy. As such, based on my observations and the available evidence, the proposal would not conflict with criterion C.
7. Criterion D seeks to resist proposals that have an adverse impact on road safety. The Council cites specific concerns including the proximity to the junction with Hillfield Park and the presence of a mature tree which impedes visibility.
8. Although I acknowledge that some vehicular crossovers on Bourne Hill may have been constructed unlawfully, it is nevertheless the case that such access points are an intrinsic characteristic of the area, and I am provided with no evidence of the Council taking enforcement action against any unlawful development. Vehicle movements on and off driveways in both forward and reverse gear are therefore commonplace in the area.
9. The vehicular access would be adjacent to the eastbound lane of Bourne Hill. The road is reasonably straight giving relatively clear sightlines to eastbound traffic approaching the proposed access point. The presence of existing vehicular access points at the neighbouring properties to the west limit the number of vehicles parked on the street, which assists in this regard. There would also be acceptable visibility to westbound traffic.
10. A detached property lies between the appeal site and the junction with Hillfield Park, providing a reasonable separation from the junction. The proposed arrangement would be similar to that found at several other properties in the vicinity, and I am provided with no specific evidence that these examples contribute to highway safety concerns.
11. The Council has included an image of the appeal site in its officer report that does not reflect my observations on site, with the photograph showing a mature tree outside of Nos 34 and 36 Bourne Hill that has since been removed. At the time of my visit two young trees had been planted in the verge close to the proposed point of access. There is also a mature tree closer to the junction with Hillfield Park. However, there are numerous examples of trees close to access points in the area and they form an intrinsic characteristic of the street

with limited effects on sightlines. I am therefore not persuaded that the proposed access point would be unsafe due to the presence of the trees, either in their current state or as they mature. For the reasons above, I do not find the proposal to conflict with criterion D.

12. Criterion E seeks for there to be no adverse impact on the free flow and safety of traffic on the adjoining highway and in particular on the effective movement of bus services. As previously noted, the prevalence of similar access points throughout the immediate area means vehicle movements on and off driveways are already commonplace. I am provided with no specific evidence that the creation of this additional access point would tangibly affect the free flow or safety of traffic or bus services. As such, the proposal would not conflict with criterion E.
13. Criterion G seeks for proposals to show that there are no alternative opportunities for safe access to the property (for example to the rear or side). The proposal seeks to provide parking for an individual with mobility issues. Whilst I acknowledge there is an existing parking space to the rear of the property, accessed from Hillfield Park, the route from this space to the house would involve either navigating the rear garden or the footway around the corner of the Hillfield Park / Bourne Hill junction. The Council's officer report notes that the application included evidence of a blue badge, but I am provided with limited such evidence within the appeal submission. Nevertheless, I do not dispute that the proposal would significantly improve access to the property for those with mobility needs. Furthermore, given my findings on the other criteria, the proposed access point would be safe. I therefore find the proposal would not conflict with criterion G.
14. The Enfield Council Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers) – April 2013 (the RTS) provides standards for crossover developments with the aim of ensuring proposals provide safe access and egress and do not adversely affect the passage of vehicular traffic in highways. Although the RTS is a material consideration, I attach it limited weight on the basis it does not form part of the development plan. In any event, I am not persuaded that there would be any specific conflict with the RTS.
15. I note the Council's reference to the history of refusals at the adjacent property of No 32 Bourne Hill. Whilst I am provided with limited substantive details of these proposals, the neighbouring property is closer to the junction with Hillfield Park and I am not persuaded that the relevant considerations would be comparable. As such, I give limited weight to this matter.
16. For the reasons given above, the proposed development would not have a harmful effect on highway safety or the availability of public on-street car parking. It would therefore accord with Policy DMD 46 of the DMD, Policies 24, 25 and 30 of The Enfield Plan Core Strategy 2010-2025 and the provisions of the National Planning Policy Framework, which together seek, among other objectives, to permit vehicle crossovers and dropped kerbs in certain circumstances; to deliver improvements to the road network; to provide safe, convenient, and accessible routes for pedestrians, cyclists and other non-motorised modes; to promote attractive, safe, accessible, inclusive and sustainable neighbourhoods; and for development to only be prevented or refused on highways grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe. It would also generally accord with the RTS, which has similar aims.

Conditions

17. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions listed in my formal decision.

P Storey

INSPECTOR