
Appeal Decision

Site visit made on 13 March 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024.

Appeal Ref: APP/A5270/D/23/3335309

6 Bollo Lane, Chiswick, London W4 5LP

- 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 B Webster against the decision of the Council of the London Borough of Ealing.
 - The application Ref 234027HH, dated 4 October 2023, was refused by notice dated 21 November 2023.
 - The development is the erection of a bike and refuse facility with associated planters to the front.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a bike and refuse facility with associated planters to the front at 6 Bollo Lane, Chiswick, London W4 5LP in accordance with the terms of the application, Ref 234027HH, dated 4 October 2023, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and 172BB Bollo-GA100-06.

Procedural Matters

2. The development has been erected and, for reasons of clarity, the description of development stated on the appeal form has been adopted.
3. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issue

4. It is considered that the main issue is the effect of the development on the safety of other highway users.

Reasons

5. The development includes the erection of a cycle and refuse store within the front garden of a terrace dwelling. No specific objections are raised by the Council to the design and siting of the structure in terms of harm being caused to the character and appearance of the surrounding predominantly residential area. A significant proportion of the evidence provided by the appellant of other schemes, including an appeal decision at Poets Road, Islington (Ref APP/V5570/W/22/3306411), reference the design and visual appearance of

similar structures within the streetscene which are not part of the main issue in this case.

6. The door to the bicycle store is about 1.1 metres wide and when open the evidence identifies that it lies flush with the front elevation of the structure to enable a bike to be manoeuvred into or out of the available storage space. To access the bicycle store requires the door to be opened across the footway. The door for the bin store is around 0.8 metres wide and it too opens across the footway but can lie flush against the boundary wall of 4 Bollo Lane whilst a rubbish bin is extracted from, or placed back into, the storage area. Opening the doors is not a frequent occurrence.
7. There is a difference of opinion between the appellant and the Council about the width of the footway. Based upon the site visit's observations the footway's width is closer to 2.2 metres as claimed by the appellant. It was also observed during the lunchtime site visit that a pedestrian walked along the footway on average each minute, including a carer pushing a buggy and 2 people walking side-by-side. There was a higher footfall to the south of the bridge with people walking to/from the shops and Underground Station to/from Chiswick Business Park and the adjacent apartment buildings.
8. It is inevitable that the doors to the bicycle and bin stores do open across the footway and thereby potentially causing an obstruction to people walking along the footway. However, because of the design of the doors and their ability to lie flush against the structure itself, or the neighbouring boundary wall, such an obstruction is for a very short time period. As observed, the footfall along the footway is not particularly high and also allowing for the level of use and time period for opening the doors, any disruption to pedestrian flows is minimal.
9. Even if a door was open and not flush with the structure or wall, there is still around 1 metre of footway available for use which is sufficient width for people to continue to walk safely along the footway. This assessment includes the potential for a carer pushing a buggy or a wheelchair.
10. For the reasons given, it is concluded that the development does not cause unacceptable harm to the safety of other highway users and, as such, it does not conflict with Policy 7B of Ealing's Development Management Plan Development Plan Document and Policies D4 and D5 of the London Plan which refer to the principles of delivering good and inclusive design.

Conditions

11. The Council has suggested two conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. The development has already been implemented and a time limitation condition is, therefore, unnecessary. For reasons of clarity, a condition is necessary to confirm that what has been erected is in accordance with the approved drawings. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR