

Appeal Decision

Site visit made on 4 April 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2024

Appeal Ref: APP/F5540/D/24/3338547

42 Hampton Lane, Feltham TW13 6PD

- 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 Sheldon David against the decision of the Council of the London Borough of Hounslow.
 - The application, Ref. 00548/42/P2, dated 11 October 2023 was refused by notice dated 6 December 2023.
 - The development proposed is a crossover for vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for a crossover for vehicle access at 42 Hampton Lane, Feltham in accordance with the terms of the application, Ref. 00548/42/P2, dated 11 October 2023, and subject to the following conditions:
 - 1) The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Based Site Plan edged red; Untitled Application Drawing at Scale 1:50.

Main Issue

2. The main issue is the effect of the proposed crossover on pedestrian and highway safety.

Reasons

3. I saw on my visit that the appeal dwelling No. 42 Hampton Lane is a mid-terrace property in a residential road which from my time in the area was subject to a relatively low level of vehicular movement. The appeal scheme seeks the installation of a dropped kerb/vehicle crossover to facilitate parking within the front curtilage.
 4. The officer's report on the application acknowledges that there are already a number of crossovers and associated parking spaces in the immediate vicinity and indeed I saw these during my visit. However, the Council points out that many of these will have preceded the Hounslow Residential Crossover and Off-Street Parking Policy.
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5. This requires space for a parking area at least 4.8m in depth and 2.4m in width. In addition there should be an unobstructed path between the front door and the road at least 1.2m wide and visibility splays of 2.4m x 2.4m at the back of the pavement on both sides of the crossover. A height limit of 600mm is normally required as regards boundaries or other obstructions within the visibility splay area.
6. The appeal scheme would satisfy most of these requirements, but fails in respect of the relatively small area of the visibility splay that falls within the front curtilage of No. 40 on the northwest flank and a somewhat larger area that falls within the ownership of No. 44 to the southeast. Whilst these are under the control of the respective neighbours, the frontage of No. 44 is already used for parking and entirely free of obstructions. The frontage of No. 40 is similarly free, albeit overgrown at its sides up to the height of the low boundary wall and fence on either side.
7. Bearing these points in mind and also taking account the generous 3m width of the pavement which from the appellant's survey is not intensively used by pedestrians (from my own observations of activity during my visit this appears to be credible), I consider that this is a case where the relaxation specified in the Council's Residential Crossovers and Off Street Parking Policy SPD ('the Council's SPD') might reasonably be applied. In this regard I am also mindful of the existing 'proliferation' of crossovers in the road (to use the Council's term) and that there is no evidence in this appeal that they have caused accidents.
8. The Officer's Report also refer to paragraph 4.2 of the above policy and the availability of a garage at the rear fronting onto Shepherd's Close as a reason for refusal. However, I do not consider that the location and facilities offered by that garage would be such as to offer a reasonable alternative for day to day use.
9. On balance, I find that in this instance there would not be an unacceptable impact on highway and pedestrian safety in harmful conflict with Policy EC2 of the Hounslow Local Plan 2015-2030 or with the Council's SPD. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning.
10. Clearly this condition cannot apply to the limited extent of splay areas that fall within Nos. 40 and 44. However, as I have explained, the larger area at No. 44 will need to be kept open to allow the existing parking there. At No. 40 this is currently open and I do not consider this very limited area as being essential to safety, given that the splay provided within the appeal site in conjunction with the 3m wide pavement would ensure that pedestrians would be visible by the driver of a car leaving the property. In the Appeal Questionnaire, a condition withdrawing permitted development rights is suggested but given the functional necessity of maintaining visibility I do not consider this to be necessary.

Martin Andrews

INSPECTOR