

Appeal Decision

Site visit made on 23 April 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.05.2024

Appeal Ref: APP/Q5300/D/24/3338000

34 Wilmer Way, Southgate, London N14 7HX

- 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 Alin Mariciuc against the decision of Enfield Council.
 - The application Ref 23/03078/HOU, dated 20 September 2023, was refused by notice dated 22 November 2023.
 - The development proposed is a vehicular access and installation of a vehicle turntable to serve a proposed electric vehicle off-street parking space.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on highway safety.

Reasons

3. This dwelling benefits from an access onto the highway. Although I do not have specific details, permission was granted by application TP/97/0404/1 to erect a four bedroom dwelling to the side of the appeal property. This house, now numbered 34a, has been built and shares the access. It would appear that both forecourts can accommodate at least two cars each whilst still allowing vehicles to turn. Nothing formal has been provided in relation to the planning permission or the sale of the new house with regard to rights of access, restrictions or parking arrangements.
 4. The proposal would result in a new verge crossing in front of number 34. The existing verge is currently grassed and two cars are able to park comfortably on the road between the existing shared verge crossing and the crossing at 32 Wilmer Way. The proposal would result in the loss of one of these parking spaces. The plans include a turntable within the forecourt which, given its proposed size, would reduce off-road parking to one vehicle.
 5. The proposal would introduce an additional access onto this classified road. The road was relatively busy outside of the rush hour period when I visited and available on-street parking was limited. The speed limit on the road is 30mph but this is reduced to 20mph at school opening, lunch and closing periods, according to the traffic order provided. The electronic sign managing this is
-

located immediately outside the appeal property and the restrictions apply to the south west where the school is located.

6. The additional access would increase potential conflict points along this busy road. As the access would result in the loss of a roadside parking space, visibility to the approaching nearside vehicles would be relatively clear. However, with parking on both sides of the road, vehicles from the south do cross into the painted hatched central reservation and visibility of these would be limited by parked vehicles. Reversing from the site towards the south, so as to head north, would add considerably to highway safety concerns.
7. Reference has been made by the appellant to accident data. The map provided demonstrates that there have been two incidents (slight casualty severity) very close to the site. The appellant advises that neither appear to be related to direct access or visibility. However, the actual information has not been provided. There are numerous other access points, most of which do not have turning facilities. Given that speed restrictions have been considered necessary at times, together with the level of movements in and out of properties, the traffic levels and the road conditions, I am not satisfied that the limited number of accidents is evidence that there are not highway safety concerns in this immediate area.
8. The appellant has included a turntable within the drawings to address concerns about reversing in or out of the site. I have no doubt that the appellant has every intention of utilising this facility. Limiting car usage to a single vehicle would also be positive. However, I am less confident that this would be the case into the future should the property change hands. The area is relatively well served by public transport which would facilitate a reduction in vehicle use but this is a family sized property. Given that on-street parking is already limited and would be reduced further by this proposal, if future residents required a second vehicle, there is the potential that they would use the available space within the site for parking two cars rather than utilising the turntable for one and then finding on-street parking elsewhere for the other. I am not satisfied that conditions or legal agreements would be able to control such an outcome.
9. The issue of the turntable breaking down is also raised as a concern. Whilst I have no doubt that such a facility could be appropriately maintained and be repaired expeditiously if necessary, the motivation for these costs is likely to be reduced when not using it would provide an additional off-road parking space. Overall, whilst this facility may reduce concerns in the short term, I am not satisfied that with different owners, this would not revert to a two car space forecourt in the longer term. This is supported by policy DMD 45 of the Development Management Document 2014 (DMD) which advises that vehicle turntables will not generally be permitted. If two spaces were used, this would require that vehicles would reverse from or into the highway.
10. Overall, the proposed arrangement would result in increased concerns with regard to highway safety on this busy classified road. It would therefore conflict with DMD policy 46 (c) as there would be adverse impacts on road safety; and (f) given my longer term concerns regarding the turntable, that vehicles would not enter and exit in a forward gear. Part (g) accepts new dropped kerbs when it has been shown that there are no alternative opportunities for safe vehicular

access to the property. Although the appellant suggests that the neighbouring resident has the intention of restricting the use of the existing access, no evidence of this has been provided. It is suggested that high demand for parking by the neighbour may also restrict turning. This argument supports my concerns with regard to the future single space use of this site. At present, the current layout appears to provide functional space for parking provision on both properties whilst also retaining the additional on-road space. The main element of DMD policy 46 advises that new accesses onto busy classified roads will not normally be permitted. Vehicle data has not been provided to demonstrate that this road should not be classed as a busy road.

11. For completeness, I have not identified conflict with the general design and wider transport objectives of policies CP24, CP25 or CP30 of the Core Strategy 2010-2025 (2010); or policy DMD37, which are listed in the refusal reason. I am unclear of the status of the council's Revised Technical Standards for Footway Crossovers 2013, so afford it little weight.
12. Reference has been made to other appeal decisions. The nearest and most relevant relates to 38 Wilmer Way which was dismissed. Although the variable 20mph speed limit has been introduced and the development plan has changed since that decision, I am not satisfied that the environment and concerns for highway safety have materially altered. I am mindful of the appeal decision relating to 260 Carterhatch Lane as the inspector accepted the use of a turntable. This however related to the provision of a new single off-road parking space which effectively replaced on-street provision. There was no alternative on-site provision available and by not using the turntable, no other advantage would be gained by the residents. It is not clear whether that road is classified or whether traffic conditions are comparable. As with the other appeal examples referred to, the decision is not entirely comparable and each case must be considered on its own merits.
13. It is evident that the details proposed would limit the loss of grassed verge and a contribution would be made to facilitate verge improvements. In this respect, there would be little visual harm. The appellant would be able to utilise an electric wall box charger although this is already the case and would only be an advantage if the neighbouring resident was able to prevent access.
14. Overall, the proposal would increase highway safety concerns and reduce both on-street and off-street parking. The benefits of the proposal would only occur should access to the existing parking space be prevented by the neighbour and no evidence of the imminence or likelihood of this has been provided. On this basis, there are no benefits to the proposal that are sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR