



Appeal Decision

Site visit made on 14 May 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/F5540/W/23/3330673

34 Westbury Road, Feltham, Hounslow TW13 5HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Galina Dmitriv against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 01188/34/P1.
 - The development proposed is the formation of a vehicular access to the front of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicular access to the front of the property at 34 Westbury Road, Feltham, Hounslow TW13 5HQ in accordance with the terms of the application, Ref 01188/34/P1, subject to the following conditions:

1.) The development hereby permitted shall be begun within 3 years from the date of this permission.

2.) The development hereby permitted shall be carried out in accordance with the following approved drawings: Unnumbered Existing and Proposed Plan (submitted with the appeal showing a dropped kerb 2700mm in width).

3.) Prior to the commencement of development a plan showing visibility splays (the depth measured from the back of the footway and the widths outwards from the edges of the access) insofar as can be accommodated on the site shall be submitted to and approved in writing by the Local Planning Authority.

The vehicular access shall not be first used until the approved visibility splays have been provided. The visibility splays shall be retained and all parts of the splays shall thereafter be kept free of all obstructions above the adjacent carriageway level above a height of 0.6m.

Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. The appellant has submitted a drawing (Unnumbered Existing and Proposed Plan) showing a reduction in the width of the proposed vehicular access. This represents a minor alteration to the original scheme and seeks to overcome the

Council's concerns regarding the width of the proposed access. On this basis, I do not consider that any party would be unfairly prejudiced, and I therefore have had consideration to the submitted drawing in determining this appeal.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. 34 Westbury Road is a ground floor flat located within a semi-detached 2-storey dwelling within a residential street. The dwelling is set back from the highway behind a low boundary wall and a garden which has been laid to lawn. The front garden is lined by hedges and planting along the boundaries shared with the neighbouring property to the southeast. The front garden to the neighbouring property to the northwest contains planting which extends to the boundary shared with the appeal property.
6. There are some parking restrictions in the local area including double yellow lines at the junction of Westbury Road and Wigley Road. A number of dwellings on Westbury Road and the surrounding streets have off-street parking to the front, including the neighbouring property. The road is relatively straight at the appeal site.
7. At my early afternoon weekday site visit I observed that there were high levels of on-street parking in the vicinity of the site: vehicles were parked on the road and in dedicated parking bays which straddle the road and the pavement. I observed that there was a light flow of traffic on the road and a light flow of pedestrians using the footpath and that vehicles appeared to be travelling at a low speed. Whilst this is a snapshot in time there is nonetheless nothing in the evidence before me to indicate that these observations are atypical of the area.
8. The appeal proposal is for a dropped kerb of 2.7m in width which would enable a vehicle to park to the front of the property. The dropped kerb would inevitably reduce the length of kerbside parking. However, this would not lead to a parking reduction equating to a full car length. The proposal would enable a vehicle to be parked off the road and as such would reduce pressure for on-street parking demand in the locality. Others who park on the road would not therefore be disadvantaged by the proposal to any significant extent.
9. The Council's Residential Crossovers and Off- Street Parking Policy (2016) (RCOPP) provides detailed guidance on the design of vehicle crossovers. In line with this guidance, the proposal would not exceed 50% of the width of the frontage of the property and the appeal site has sufficient depth to ensure that a vehicle could be parked without overhanging any part of the public highway.
10. The RCOPP also requires the provision of pedestrian visibility splays of 2.4m x 2.4m at the back of the footway on both sides of the crossover. It states that there should be no obstructions over 600mm high within this area. I have not been provided with any details of pedestrian visibility splays as part of the proposal and variances in site dimensions on the submitted plans cast doubt in my mind regarding whether the required visibility splays could be achieved within the appeal site without encroaching upon land outside of the appellant's control. This land contains vegetation which appears to exceed 600mm in height. Given this, the provision of visibility splays as required by the RCOPP could not be provided or guaranteed in perpetuity.

11. Nonetheless, at my site visit I observed that the proposed vehicular access would be in a location where the road is relatively straight, and I observed that there was good visibility of the footpath and highway from the appeal site. Traffic speeds appear to be low, the frequency of vehicle movements would likely be modest, and vehicles would be travelling at a slow speed. Additionally, there is no compelling evidence that the existing vehicle crossovers on Westbury Road and the neighbouring streets, many of which are similarly bordered by boundary walls and/or planting, currently cause any significant conflict between vehicles and pedestrians.
12. In light of the above, whilst it has not been evidenced that the visibility splays as required by the RCOPP would be achieved, in these particular circumstances there is no compelling evidence that this would lead to a potential for conflict between the users of the crossover and passing pedestrians or motorists. Thus, the proposal would not be harmful to pedestrian and highway safety. Therefore, the proposal would accord with those aims of Policy EC2 of the Hounslow Local Plan 2015-2030 which requires development to demonstrate that adverse impacts on the transport network are avoided.

Conditions

13. Planning permission is granted subject to the standard 3 year time limit condition for implementation. In addition, it is necessary to specify the approved plans in the interest of certainty. A condition relating to visibility splays is necessary in the interests of highway and pedestrian safety.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

N Robinson

INSPECTOR