



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: 17th June 2024

Appeal Ref: APP/F5540/D/24/3338313

22 Hampton Lane, Feltham, Hounslow TW13 6PD

- 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 Arezou Mohsenzadeh against the decision of the Council of the London Borough of Hounslow.
 - The application Ref is 00548/22/P2.
 - The development proposed is formation of a vehicle access.
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Decision

1. The appeal is allowed and planning permission is granted for formation of a vehicle access at 22 Hampton Lane, Feltham, Hounslow TW13 6PD in accordance with the terms of the application, Ref 00548/22/P2, 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: Proposed GA.
 - 3.) Prior to the proposed vehicular access being first brought into use, the visibility splays shown on plan 'Proposed GA', insofar as they relate to the appeal site, shall be provided and shall thereafter be kept clear of any obstructions to visibility greater than 600 mm in height, including shrubs, planting, boundary walls, fences, gates, other means of enclosure or other structures or objects.

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.

Main Issue

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

Reasons

4. The appeal site comprises a 2-storey end of terrace dwelling within a residential street. The dwelling is set back from the highway and a garage is sited to the rear of the property with access from Shepherd Close. The front

garden is surfaced with gravel and hardstanding and is flanked by low brick boundary walls to the side elevations. The neighbouring property 24 Hampton Lane contains planting within the front garden which runs along the eastern site boundary.

5. Hampton Lane is subject of a 30mph speed limit and the road is relatively straight. A number of dwellings on Hampton Lane have off-street parking to the front, some of which are bordered by boundary treatment and/or planting. At my early afternoon weekday site visit I observed that Hampton Lane was subject to a moderate flow of traffic and pedestrians. 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.
6. The appeal proposal is for a vehicle crossover which would enable a vehicle to park at the front of the property. The Council state that, as the appeal property has a garage to the rear, the proposal would result in an additional crossover, contrary to the Council's Residential Crossovers and Off- Street Parking Policy (2016) (RCOPP) which sets out that crossovers to the public highway will be limited to one per property.
7. There is no definition of a crossover in the RCOPP. At my site visit I observed that the rear of the site did not include an area of lowered pavement giving access to vehicles across a pavement. I have not been presented with any compelling reason why these site conditions do in fact comprise a crossover. It therefore follows that the appeal property does not benefit from an existing crossover and thus the guidance set down in Para 4.2 of the RCOPP in relation to the formation of an additional access does not appear to be applicable in this particular case.
8. The RCOPP also provides detailed guidance on the design of crossovers. Amongst other matters it requires the provision of pedestrian visibility splays of 2.4m x 2.4m at the back of the footway and on both sides of the crossover. It also states that there should be no obstructions over 600mm high within this area. The provision of the visibility splays as required by the RCOPP would incorporate land which falls outside of the appellant's control. At my site visit I observed that this land contained planting which appeared to exceed 600mm in height. Given this, the provision and retention of the visibility splays as required by the RCOPP could not be provided or guaranteed in perpetuity.
9. Nonetheless, from what I observed on site the visibility for a driver exiting the site would be good in both directions. Given the relative infrequency and short duration of such manoeuvres and the low speeds involved, vehicles using the new access would be unlikely to obstruct other footway users or present a significant danger to them. Additionally, there is no compelling evidence that the existing vehicle crossovers on Hampton Lane, many of which are similarly bordered by boundary walls and/or planting, currently cause any significant conflict between vehicles and pedestrians.
10. Consequently, whilst the visibility splays as required by the RCOPP would not 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, whilst there is conflict with the RCOPP as set out above, 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

11. I have had regard to the conditions suggested by the Council, on which the appellant has had the opportunity to comment. 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. I have amended a suggested condition requiring the provision and retention of visibility splays so that it relates only to land within the appeal site. This condition is necessary in the interests of highway safety.
12. I have given due consideration to comments from a neighbouring resident that construction works should be carried out between 10:00 and 15:00. Typically, in order to protect neighbouring occupants from noise and disturbance, construction work happens between the hours of 08:00 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays.
13. I note that this resident has disabilities and thus that discrimination could arise as a consequence of the appeal proposal during the construction period. Given this I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, and to the rights conveyed within the Human Rights Act.
14. Nonetheless, the works are very small scale and the construction period would likely take a short period of time. Given this, any adverse effects arising during the construction period would not be significant and I am satisfied that the restriction of construction hours is not warranted in this instance. Additionally, whilst comments regarding obstruction by vehicles are noted, this would be a police matter, and therefore does not form part of my assessment.

Conclusion

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

N Robinson

INSPECTOR