
Appeal Decision

Site visit made on 17 June 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/F5540/D/24/3343920
108 Worton Road, Isleworth TW7 6HG

- 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 Fatjon Bardhi against the decision of the Council of the London Borough of Hounslow.
 - The application reference is 01239/108/P3.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on highway safety for users of Worton Road.

Reasons

3. The proposal is a dropped kerb to provide a vehicle crossover along the highway frontage of the appeal property, which is a mid-terrace dwelling that faces Worton Road. The new crossover would provide access from the highway to the hard surface area in front of No 108 for off-street vehicle parking.
4. The main parties agree that the site is not wide enough to achieve the minimum pedestrian visibility splays that are set out in the Council's Supplementary Planning Document *Residential Crossovers and Off-Street Parking Policy* (SPD). To achieve these requirements, the SPD states that visibility splays of 2.4 metres by 2.4 metres should be provided at the back of the footway on both sides of the new crossover. Within the area covered by these splays, the SPD requires that there are no obstructions over 0.6-metres high.
5. According to the appellant, there is only a modest shortfall in meeting these visibility requirements in each direction. Nevertheless, I saw that the footway passing the site was well-used and that brick walls mark the highway frontages of the adjacent properties that would impede views of oncoming pedestrians. As these walls are beyond the boundary of the site and are not within the appellant's ownership or control, an improvement to the current visibility cannot be secured nor guaranteed into the future.
6. While the area in front of No 108 would be sufficient in size to accommodate a parked vehicle, a driver using the new crossover would need to reverse into or out of the proposed parking area onto or from the adjacent highway. A vehicle

reversing into or out of the site across a footway with restricted visibility of approaching pedestrians even at a low speed would be far from ideal because it would pose a significant risk of potential collision and injury. Equally, footway users approaching the site even along a pavement that is reasonable in width may not have a clear view of a vehicle emerging from the parking area in front of No 108 if it is hindered by the boundary treatment of the properties on the immediate approach. For these reasons, the proposal would be an unacceptable risk to the safety of pedestrians.

7. The appellant places some reliance on a recent appeal decision in which planning permission was granted for a new vehicle crossover at 69 Worton Road. Like the proposal before me, the scheme at No 69 did not meet the pedestrian visibility requirements of the SPD and, according to the appellant, it has a narrower frontage than that of No 108. In that case, the Inspector noted that pedestrian activity along the footway was low, and that the proposal would increase the available space for pedestrians due to the removal of the vehicle parking area on the pavement. On that basis, the Inspector concluded that some flexibility could be employed in applying the SPD's requirements and that there was no safety reason for requiring the pedestrian visibility splays. Those circumstances do not apply in this instance because there would be no removal of vehicle parking from the adjacent footway and so no benefit from increasing the space available for use by pedestrians. Consequently, I am unable to attach more than limited weight to this previous appeal decision in support of the appellant's case.
8. I saw other examples of properties with dropped kerbs and off-street forecourt parking along Worton Road. Most of these existing accesses rely on vehicles reversing across the footway onto or from the highway. I am unaware of the detailed circumstances of these arrangements and most of the examples that I saw reinforce my concerns regarding highway safety and so do not necessarily set a desirable precedent. These cases do not persuade me that the proposal, which would pose a significant safety hazard, should therefore be accepted.
9. The number and frequency of vehicle movements using the new crossover would be modest. Even so, the appeal scheme would result in drivers crossing a footway in reverse with restricted visibility of others. I also note the appellant's view that the off-road parking arrangement, as proposed, would reduce traffic congestion and incidences of damage to parked vehicles, and that it would enhance the safety of cyclists passing the site. I share the appellant's view that a bus using the stopping place immediately opposite the site would not necessarily unduly distract drivers using the new crossover. However, these considerations do not outweigh the significant harm that I have identified.
10. On the main issue, I conclude that the proposed development would pose an unacceptable risk to highway safety for users of Worton Road. As such, it conflicts with Policy EC2 of the Council's Local Plan 2015-2030, which expects development proposals to avoid adverse impacts on the transport network. It is also at odds with the National Planning Policy Framework (the Framework), which aims to ensure that developments create places that are safe and minimise the scope for conflict between pedestrians, cyclists and vehicles.
11. That the proposal would be a more accessible, convenient and safer alternative to on-street vehicle parking for the appellant is not in doubt. These are important matters to weigh in the planning balance as is the ability to recharge

an electric vehicle close to the appeal property. Others support or raise no objection, including the neighbouring occupier at No 110. However, these considerations do not outweigh the identified harm.

Conclusion

12. Overall, I conclude that the proposed development would conflict with the development plan. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.

13. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR