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# Appeal Decision

Site visit made on 2 July 2024

**by V Goldberg BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 August 2024**

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**Appeal Ref: APP/A5270/W/24/3338554**

**36-38 Chase Road, Ealing NW10 6QN**

- 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 Mr M. Mardan against the decision of the Council of the London Borough of Ealing.
  - The application Ref is 233044OPDFUL.
  - The development proposed is the formation of a vehicular crossover to front, boundary fencing and electric gates to the front/side.
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## Decision

1. The appeal is allowed and planning permission is granted for the formation of a vehicular crossover to front, boundary fencing and electric gates to the front/side at 36-38 Chase Road, Ealing, NW10 6QN in accordance with the terms of the application, Ref 233044OPDFUL, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos:01 (location plan), 03 (proposed ground floor) and 04 (proposed front elevation).
  - 3) The materials of the boundary fencing and electric gates shall be consistent with those listed within the submitted application form.
  - 4) Notwithstanding the details shown on the approved plans, pedestrian visibility splays should be provided at all times measuring 1.5m by 1.5m, with no obstruction more than 0.6m high for the vehicle access where it meets the back edge of the footway; these shall be established prior to the first use of the driveway for car parking and shall be permanently retained thereafter.

## Preliminary Matters

2. The reason for refusal and plans indicate roadside parking in front of the appeal site. At the time of my visit, there was no allocated parking area to the front of the site, instead double yellow lines restricted parking. I have determined the appeal on this basis.

## Main Issue

3. The main issue is the effect of the proposed development on highway and pedestrian safety along Chase Road.

### **Reasons**

4. Chase Road is within Park Royal industrial estate in North Acton. The road has a speed limit of 20mph, with double yellow lines along most of the road. Parking is limited to parking bays to the north and south of the site.
5. Double yellow lines prevent parking to the front of the site and therefore, the proposed crossover would not result in the loss of any public parking on Chase Road.
6. The proposal would result in more vehicles crossing the pavement, which potentially leads to conflict between vehicles and pedestrians. However, when entering the site, vehicles would be moving slowly with good visibility between motorists and pedestrians, therefore reducing the risk of vehicle and pedestrian conflict. Moreover, the forecasted average weekday trip rates are low, with a worst-case scenario of 1 two-way trip every 20 mins during the peak morning and evening hour slots. As a result, the number of trips generated in combination with the design of the crossover and nature of the road would not result in an unacceptable impact on highway safety.
7. To address the concerns regarding highway and pedestrian safety the appellant has produced a Highways Technical Note. This document has reviewed local accident records, forecasted average trips, clarified the design of the crossover and concluded that the proposed development would not result in undue risk to road or pedestrian safety, nor would it remove public parking spaces.
8. For the reasons identified above, I conclude that the development would have an acceptable effect on highway and pedestrian safety on Chase Road. The development is therefore compliant with Policy T4 of the London Plan (2021), Policies T1(e), T4(e) of the OPDC Local Plan 2022 and the Framework.
9. The Council refer to Policy 1.1 (e) of the Ealing Local Development Framework – adopted (core) Strategy (2012), Policy DAA of the Ealing Local Plan (reg 18) and Ealing's 'The Vehicles Crossovers: Application Pack for Residents'. These policies and document are not relevant to the main issue in this appeal. Policy 1.1 (e) refers to the provision of services identified in the infrastructure development plan, Policy DAA is a design and amenity policy which does not refer to highway safety and the crossover application pack does not address commercial sites.

### **Conditions**

10. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty.
11. Conditions are required to secure the use of materials for the fencing and gate appropriate in this setting and to provide and maintain adequate pedestrian visibility splays in the interests of highway safety.

### **Conclusion**

12. For the reasons given above the appeal should be allowed.

*V Goldberg*

INSPECTOR