

# Appeal Decision

Site visit made on 2 July 2024

**by Andrew Dale BA (Hons) MA MRTPI**

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

**Decision date: 28 August 2024**

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**Appeal Ref: APP/Q5300/D/24/3342670**  
**200 Chase Side, Enfield EN2 0QX**

- 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 Emine Dil against the decision of the Council of the London Borough of Enfield.
  - The application ref. is 24/00203/HOU.
  - The development proposed is a vehicular access.
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## Decision

1. The appeal is dismissed.

## Main issue

2. Even though the Council's decision notice contains 2 reasons for refusal, there is a degree of overlap between them. The relevant considerations can be gathered under one main issue, that being the effect of the proposed development upon highway and pedestrian safety for users of Chase Side.

## Reasons

3. The appellant wishes to provide a new 2.5 m wide vehicle crossover along the highway frontage of no. 200 which is a dwelling at the end of a terrace that faces Chase Side. The crossover would provide access from the highway to the hard surfaced front garden of no. 200 for off-street vehicle parking. There would be some modifications made to the paving and drainage of that front garden.
  4. Chase Side is a classified road and bus route. The yellow box markings of a bus stop fall in front of no. 200 and the 2 commercial premises to the north. Further again to the north is a zebra crossing and a mini roundabout junction.
  5. The determination of the appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the London Plan 2021 (LP), Enfield's Core Strategy 2010 (ECS) and Enfield's Development Management Document 2014 (EDMD). From what I have read, it seems to me that the most relevant development plan policy is EDMD Policy DMD 46 which specifically relates to vehicle crossovers and dropped kerbs. I have also taken into account the Council's Revised Technical Standards for Footway Crossovers 2013 (TS) which assists with the road safety criteria for and the design of crossovers.
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6. The Council's Traffic and Transportation Team "...*object to any new access onto a classified road because even a single additional opening increases the likelihood of road danger for all users.*" This would potentially accord with the approach taken in EDMD Policy DMD 46 which says that planning permission for new access onto 'A' roads and other busy classified roads will not normally be permitted. However, it is clarified by a footnote that the term "*busy*" is defined as a "*Road carrying more than 10,000 vehicles per day (two-way).*" Whilst I could see on my site visit that this section of Chase Side is well trafficked and carries commercial vehicles and bus services, I do not have any actual traffic flow survey data before me to determine whether or not Chase Side is a "*busy*" classified road. The absence of such data must count against the appellant because there would be an objection in principle to the vehicular access if Chase Side is a "*busy*" classified road. In any event, compliance with other relevant criteria on accesses to roads in EDMD Policy DMD 46 is also necessary.
7. The terraced houses at nos 190 to 200 Chase Side do not have individual dropped kerbs or crossovers. This pattern of development continues on the same western side of the road for some distance further to the south. This may help to explain why local accident records do not refer to incidents involving movements to and from vehicular accesses. On-street parking, which takes place right up to the southern boundary of the appeal site, is relied upon. Even though the scheme would relate to a single dwelling, the proposed vehicular access could be used several times a day each day. Vehicles would be emerging from a crossover that is unlikely to be anticipated by approaching drivers when the road is dominated by on-street parking and at a point where visibility between emerging drivers and those already on the road would be significantly obstructed by parked cars and a street tree. This would have an adverse impact upon road safety and the stopping, turning and slowing of vehicles would be disruptive to the free and safe flow of traffic on the classified road, even if the vehicular movements to and from the property would take place at low speeds.
8. If the intention is for 2 vehicles to be parked in the front garden, as shown on the parking plan as proposed, it is not clear to me how vehicles would enter and exit the crossover in a forward gear at all times. No turning diagrams have been submitted. Reversing vehicles would compound the difficulties I referred to in the paragraph above. Whilst other highway features, such as the bus stop and the zebra crossing, may also result in the stopping or slowing of vehicles, they are well marked and readily identifiable to approaching traffic and so do not present any serious highway safety issues. In some cases, the stopping and slowing of vehicles can assist in calming traffic flows and enhancing highway safety but here I have found that the appeal proposal would result in a situation where manoeuvring onto or off the classified road would be hazardous. The TS warns that an adverse effect on the safety and free flow of traffic is likely to be a particular issue where traffic flows are high and access is proposed onto a classified road.
9. Although the crossover would be some distance from the actual bus stop post and bus shelter, it would nonetheless be well inside the yellow box markings of the bus stop zone. There is likely to be a degree of pedestrian activity along the relatively wide footway given the presence of the bus stop, especially at the peak times for bus services. There are 2 other dropped kerbs inside the bus stop

markings at no. 204 (Studio YTA) and no. 206 (William Hill). I have no planning history before me about those crossovers. They appear to be long established crossovers and they do not justify the provision of a third inside the bus stop zone at no. 200. The provision of a vehicular crossover here would be hazardous as its use would introduce potential points of conflict between moving vehicles and pedestrians waiting, make it difficult for disabled passengers to board or alight a bus and hinder the effective movement and reliability of bus services.

10. Having regard to the above considerations, the proposal would not be in the best interests of highway and pedestrian safety and I find varying degrees of conflict with criteria d, e and f of EDMD Policy DMD 46. Contrary to the appellant's assertion at paragraph 4.21 of the appeal statement, it is also a policy requirement (at criterion g) that it should be shown that there are no alternative opportunities for safe vehicular access to the property (for example to the rear or side). This has not been specifically addressed by the appellant.
11. I find on the main issue that as the proposal would lead to a reduction in highway and pedestrian safety for users of Chase Side, there would be conflict with the general thrust of ECS Core Policies 24, 25 and 30, EDMD Policies DMD 37, DMD 45, DMD 46, DMD 47 and DMD 48 and LP Policies T1, T2 and T6 which, amongst other things, seek to secure accessible and safe environments and avoid any increase in road dangers or in adverse impacts on the transport network. These policies are not inconsistent with the National Planning Policy Framework which seeks to facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe and minimise the scope for conflicts between pedestrians, cyclists and vehicles.
12. I have studied the appellant's personal statement at Appendix A to the appeal statement. I acknowledge the appellant's wish to park a vehicle on the front drive of her house. There is a high demand for on-street parking such that the appellant is asked by neighbours to move her car onto her drive if she parks on the side of the street. It was evident from my site visit that the crossover would not lead to the loss of an on-street parking space and may reduce the pressure and demand for on-street parking albeit to a minor degree. Therefore, criterion c of EDMD Policy DMD 46 would be satisfied. I do not dismiss this benefit of the proposal or the other considerations set out in the personal statement lightly but these matters do not outweigh the harm that I have found.
13. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations.
14. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR