

Appeal Decision

Site visit made on 9 October 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/A5270/d/24/3348149

41 Park Avenue, Southall UB1 3AJ

- 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 Mrs Sukwinder Dadwal against the decision of the Council of the London Borough of Ealing.
 - The application is Ref. 240469HH.
 - The development proposed is a dropped kerb to form a vehicle crossover.
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Decision

1. The appeal is allowed, and planning permission is granted for a dropped kerb to form a vehicle crossover at 41 Park Avenue, Southall UB1 3AJ in accordance with the terms of the application, Ref. 240469HH, dated 4 February 2024 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Main Issues

2. The main issues are (i) the effect of the proposed dropped kerb and crossover on highway safety, and (ii) the effect on the visual amenity of this part of Park Avenue.

Reasons

3. I saw on my visit that the appeal dwelling is the second property in from the western flank of a terrace of houses in the form of Nos. 39 to 49. At each end of the terrace is a closely sited detached house. Along this combined frontage all the properties have a hardstanding to the side of the pavement closest to them and use it for parking, but with a ratio of one crossover for every couple of houses they tend to be shared between neighbours.
 4. This is the case with No. 41 but in using the crossover opposite No. 43 the vehicle has to be driven across the pavement at an angle and then straighten up to complete the manoeuvre. This use of the pavement between the
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hardstanding area and the existing grass verge applies in some form whether reversing into or out of the parking space.

5. Turning to the main issues, as regards highway safety the appellant's vehicle is already using the adjacent crossover and I am not aware that in practical terms this could be prevented by enforcement action or any other restrictions. Accordingly, if the appeal were to be allowed there would be no increase in the number of vehicles reversing into or out of the area of hardstanding. In addition, the existing hazard of an awkward and prolonged manoeuvre along a section of pavement would cease and I consider pedestrian safety would thereby be enhanced, especially as it would appear this is a well-used pavement, including by schoolchildren.
6. In terms of amenity, I acknowledge that the removal of 4.3m of existing grass verge would be detrimental. However, an area of the grass verge would remain in front of No. 39, and this would be equivalent in size to some of the other pockets of grass verge in front of the terrace. These form part of the existing character of the area and whilst the removal of existing verge would be a loss of visual amenity, I do not consider it to be 'significant' in this context.
7. More importantly, with the terrace frontage already dominated by hardstanding, parked cars, and crossovers (as indeed are other areas along Park Avenue), the long stretch of grass verge immediately to the west, up to and including the garage and beyond and with a number of street trees, is less affected by crossovers. It would remain to form a more verdant character for this first section of Park Avenue and a pleasingly contrasting setting to the terrace of Nos. 39 to 49 and the immediately adjacent dwellings.
8. In assessing what I consider to be a finely balanced decision I have also given weight to the fact that the appellant has a registered disability and is therefore a 'blue badge' holder for parking purposes. Government advice has long been that personal circumstances should rarely be determinative in planning decisions and this is also the case here. Nonetheless, I consider that together with an improvement in pedestrian safety and only a fairly modest loss of visual amenity, this additional factor supports the case for the appeal to be allowed.
9. Overall, I find that the proposed dropped kerb and crossover at No. 41 Park Avenue would not be in harmful conflict with the Council's policies. These are cited in the Notice of Refusal as Policies D6, D8, G4, T3 & T4 of the London Plan 2021; Policies 5.10, 7.4 & 7B of the Ealing Development Management DPD 2013, and Policy 1.1 of the Ealing Core Strategy 2012.
10. I shall therefore allow the appeal. The submitted plan is of insufficient clarity to be embodied within a condition but I have imposed a condition to ensure that the scheme is carried out in accordance with the appropriate standard, as required by the Highway Authority. In making my decision I have taken account of the fact that the dropped kerb exceeds the normal width allowed in the Council's Dropped Kerb Application Pack but consider that this is justified in the particular circumstances of this case.

Martin Andrews

INSPECTOR