



Appeal Decision

Site visit made on 10 September 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2024

Appeal Ref: APP/Q5300/D/24/3345896

15 Nightingale Road, Enfield, Edmonton N9 8AJ

- 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 Kostevski against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/00893/HOU.
 - The development proposed is creation of vehicular crossover.
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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.

Reasons

3. 15 Nightingale Road is a mid-terraced two storey residential property near a pedestrian crossing and close to the junctions of Beatrice Road and Clifford Road. Nightingale Road is a busy classified road which carries high volumes of traffic. The road is characterised by a mix of on road and off-road parking provision.
4. The appeal scheme is for a vehicle crossover and includes a turntable designed to facilitate egress in a forward gear. Policy DMD46 of the Enfield Development Management Document (EDMD) outlines specific criteria against which applications for crossovers are required to meet. Primarily, crossovers must not result in an adverse impact on highway safety (DM46(d)). The Enfield Revised Technical Standards for Footway Crossovers 2013 states that '*Situations where manoeuvring onto or off the highway may be hazardous include: ...in the immediate vicinity of a junction, because of the conflicting movements that can take place and the need to maintain inter-visibility between vehicles emerging from driveways and vehicles on the adjoining highway.*'
5. The additional opening onto a busy principal road in close proximity to the junctions of Nightingale Road with Beatrice Road and Clifford Road, would increase vehicular manoeuvres compromising highway safety. This would be particularly acute given the site's location close to two road junctions and the pedestrian crossing and could adversely impact on highway safety. Consequently, the appeal scheme would also

conflict with Policy DMD46(e) which states that any vehicle crossover should not adversely impact the free flow and safety of traffic.

6. Furthermore, Policy DMD46(g) requires demonstration that '*... there are no alternative opportunities for safe access to the property (for example, to the rear or side).*' I do not have substantive evidence before me demonstrating the exceptional need for frontage parking.
7. My attention has been drawn to the number of crossovers along Nightingale Road which allow frontage parking. Many of the off-road parking spaces are on corner plots or end of terraced properties.
8. Whilst there are a few crossovers for mid terraced properties in the local area, I do not know the circumstances and policies which informed these decisions. However, these examples do not justify a development which would result in harm to highway safety.
9. I acknowledge the appellant has attempted to address concerns highlighted in the previously refused planning permission¹. Whilst the addition of a turnstile mechanism addresses the concerns regarding the movement of vehicles in forward gear (Policy DMD46(f)), it does not mitigate the harm I have identified above with regard to the additional opening onto a busy classified road. Therefore, the appeal scheme would still result in harm to highway safety and conflict with Policy DMD46 of the EDMD.
10. To conclude, the appeal scheme would result in harm to highway safety and would conflict with Policy DMD46 of the EDMD as well as Policy CP24 of the Enfield Plan Core Strategy 2011-2025. These policies seek, amongst other things, to ensure that development does not result in an adverse impact upon highway safety on classified roads. Furthermore, the vehicular crossover would conflict with the Enfield Revised Technical Standards for Footway Crossovers 2013 which seeks to ensure that highway safety is maintained and not harmed. The appeal scheme would also fail to accord with the National Planning Policy Framework (December 2023) and in particular paragraph 115, given that the development would result in an unacceptable impact on highway safety.
11. Finally, whilst the Council's decision notice refers to Policy CP30 of the Enfield Plan Core Strategy 2011-2025, this policy relates to high quality design and is therefore not determinative for this appeal.

Conclusion

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR

¹ Planning Application Reference: 23/04041/HOU.