

Appeal Decision

Site visit made on 25 November 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/Q5300/D/24/3351010
150 Holtwhites Hill, Enfield EN2 8BW

- 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 Arjan Borufi against the decision of the Council of the London Borough of Enfield.
 - The application ref. is 24/01886/HOU.
 - The development proposed is vehicular access and construction of hardstanding.
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Decision

1. The appeal is allowed and planning permission is granted for vehicular access and construction of hardstanding at 150 Holtwhites Hill, Enfield EN2 8BW in accordance with the terms of the application ref. 24/01886/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered/titled: 316.VC.045 / Site Plan; and 316.VC.055 / Plans & Sections.

Main issue

2. The main issue is the effect of the proposed development upon highway and pedestrian safety for users of Holtwhites Hill.

Reasons

3. The proposal is to form a vehicle crossover on the highway frontage of no. 150, a house at the end of a short terrace facing the southern side of Holtwhites Hill. The crossover would be between 2.6m and 3.6m wide. It would provide access from the highway to the front garden. Permeable block paving would be laid across the front garden which would provide 2 off-street car parking spaces.
 4. Holtwhites Hill is a classified road with a 30 mph speed limit and a straight alignment, sloping downhill to the east. It is also a bus route. There are no formal bus stop posts, bus shelters or yellow box markings of a bus stop zone in the vicinity of no. 150. I saw that the W9 bus seems to operate as a hail and ride service. There are 2 parallel footways outside the appeal site separated by a wide grass verge containing trees and other vegetation.
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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).
6. 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 and the Transport Assessment (TA) prepared by EAS Transport Planning on behalf of the appellant.
7. The Council's Officer Report refers to a busy classified road. It says that the proposed movement of vehicles onto the classified road would not be permitted and that the principle of the development would not be acceptable. This would potentially accord with the strategic 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 visit that Holtwhites Hill was fairly busy, the TA sets out annual average daily traffic flows, based on automatic traffic counts over a week in January 2024, which clearly demonstrate that traffic flows on Holtwhites Hill are not high enough for it to be defined as a "*busy*" classified road. The TA has been prepared in a robust manner. An objection in principle to the vehicular access cannot be sustained.
8. Compliance with other relevant criteria in EDMD Policy DMD 46 for vehicle crossovers and dropped kerbs that allow for off-street parking and access onto roads is still also necessary. The Council's Officer Report points to conflict with: criterion d - There is no adverse impact on road safety; criterion e - There is no adverse impact on the free flow and safety of traffic on the adjoining highway and in particular on the effective movement of bus services; and criterion g - It has been shown that there are no alternative opportunities for safe vehicular access to the property (for example to the rear or side).
9. Holtwhites Hill is not wholly dominated by on-street parking. The sporadic on-street parking along its length creates intermittent obstructions to passing traffic. This seems to result in vehicles moving at or very close to the designated speed limit and to assist in calming traffic flows and enhancing highway safety.
10. At the same time, a number of properties benefit from frontage parking and access from Holtwhites Hill when looking over the length of the road, one such example being no. 165 directly opposite the appeal site. Even though these examples may have pre-dated the current development plan, comparable off-street parking arrangements do exist and inform the area's current highway context. Vehicles would be emerging from a crossover that is therefore likely to be anticipated by approaching drivers. If the access and egress arrangements to these other examples present danger to highway safety, it is reasonable to have expected evidence, anecdotal or otherwise. As it is, the interrogation of the CrashMap database in the TA found that vehicle crossovers have led to no reported collisions or incidents near the site in the most recent 5-year period.

11. By reason of the size of the front garden, the Council accepts that it would provide for sufficient manoeuvrability to allow vehicles to enter and leave the site in a forward gear. In general, there is good forward visibility for vehicles approaching the appeal site from both directions. Moreover, for emerging vehicles adequate visibility splays in each direction have been demonstrated in the TA and I saw no reason to find that they would be materially obstructed by trees or other vegetation. It is inevitable that movements out of the property would, from time to time, need to take place between parked cars which would impede the visibility between emerging drivers and those already on the road and approaching the site. However, such movements would be undertaken at very low speeds and those already on the road are likely to be aware of parked vehicles and dropped kerbs along the road. In particular, they are likely to be alert to the potential for vehicles moving into or out of the front garden between vehicles parked along the roadside. Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.
12. The provision of any vehicular crossover can introduce a potential point of conflict between vehicles and pedestrians. However, the proposed crossover would not be unduly excessive in scale or width, the vehicular manoeuvres to and from the property would take place at low speeds and drivers would have adequate awareness of pedestrians on both footways and vice versa, given the open frontage to the garden and the straight alignment and reasonable width of the footways. Pedestrian intervisibility splays have also been demonstrated. I am satisfied that the appeal scheme would create a place that is safe and minimize the scope for conflicts between pedestrians and vehicles.
13. Holtwhites Hill is wide enough at about 7m (the appellant's estimate) to cater for vehicular movements to and from the site. The additional kerbside space created by the proposal would ease the space for passing traffic, including buses. There could be some occasional pedestrian activity along the roadside footway if and when the hail and ride bus service parks along the site's frontage. Given that this would appear to be a random event and noting the good all round visibility, the provision of a vehicular crossover here would not be unduly hazardous for any reason and would not materially hinder the effective movement and reliability of bus services.
14. It is quite evident that there are no alternative opportunities for safe vehicular access to the property except from the front given that the site is bordered on the 3 other boundaries by separate residential properties.
15. Having regard to the above considerations, the proposal would neither be prejudicial to the free flow of traffic on the classified road nor have an unacceptable impact on highway safety, including for pedestrians and cyclists. In particular, I find that the scheme would respect criteria d, e and g of EDMD Policy DMD 46.
16. I find on the main issue that as the proposal would not lead to a material reduction in highway and pedestrian safety for users of Holtwhites Hill, there would be no conflict with the general thrust of ECS Core Policies 24 and 25, EDMD Policy DMD 46 and LP Policies T2, T3, T4, T6 and T6.1 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. I find no conflict with the TS.

17. My finding on the main issue is decisive to the outcome of this appeal. There is no conflict with the development plan. There are no material considerations of sufficient weight which would indicate that a decision should be made other than in accordance with the development plan.
18. The Council has put forward 3 conditions in the event of the appeal succeeding and planning permission being granted. In addition to the standard condition on the time limit for commencement, I have imposed a condition specifying the relevant drawings as this is necessary to provide certainty. The Council has suggested a condition requiring that the materials to be used in the construction of the external surfaces of the development should match those used in the existing building. Given the nature of the proposal, this would be unnecessary.
19. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR