



Appeal Decision

Site visit made on 13 January 2025

by J D Westbrook BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/Q5300/D/24/3350218
52 Berkeley Gardens, London, N21 2BD

- 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 Slavi Todorov against the decision of Enfield Council.
 - The application Ref is 24/01390/HOU.
 - The development proposed is the construction of a hard standing in connection with vehicular access involving a crossover and dropped kerb.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 29 January 2025.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a hard standing in connection with vehicular access involving a crossover and dropped kerb at 52 Berkeley Gardens, London, N21 2BD in accordance with the terms of the application, Ref 24/01390/HOU, and the plans submitted with it, 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: site plan; drawing 1168 – 100 Rev PO4.
 - 3) Use of the parking space by vehicles shall not take place until suitable boundary treatment of the space has been constructed in accordance with a design that shall have been submitted to and approved in writing by the Local Planning Authority.

Procedural Matters

2. The description of the proposal on the application refers only to the crossover and dropped kerb while the description on the decision notice refers to a hardstanding with vehicular access. I have used a combination of the two to present an accurate description of the whole proposal.
3. The Council's decision notice indicates that the appeal land is public realm. However, the appellant contends that the land was bought from the Council in 2023 and it is stated as being owned by the appellant on the planning application form. The appellant has provided a copy of Land Registry TP1 form which relates to the transfer of ownership. Although the copy before me is an

unsigned and undated version, it would appear that the appeal land is in the ownership of the appellant and is not, therefore, public realm.

Main Issue

4. The main issue in this case is the effect of the proposed development on highway safety along Berkeley Gardens with regard to both vehicular and pedestrian movement.

Reasons

5. No 52 is an end-terraced house situated at the head of the north-eastern arm of the cul-de-sac that is Berkeley Gardens. It lies beyond the turning head at the end of the cul-de-sac, and fronts a footpath which runs between the turning head and Bush Hill Road, further to the north-east. The footpath also serves the terrace of houses beyond the appeal property. The turning head at the end of the cul-de-sac includes a 1.5 metre wide drop-kerb crossover which serves users with mobility scooters etc. The Council contends that it also serves pedestrians with prams and pushchairs, although as it only gives access to the roadway itself, it is doubtful that it would be used much by such persons, especially as the footpath itself continues around the appeal property and then along the side of the roadway.
6. The appeal land lies to the side of the main dwelling, between the turning head and the side elevation of the house. The proposed development would involve the replacement of paving slabs with a permeable surface and a widening of the drop-kerb crossover to 3 metres in width.
7. Policy DMD46 of the Council's Development Management Document (DMD) indicates that planning permission for new access onto busy classified roads will not normally be permitted, while vehicle crossovers and dropped kerbs that allow for off-street parking and access onto roads will only be permitted where certain criteria are met. Policy DMD47 indicates that new development will only be permitted if the access which serves the development is appropriately sited and is of an appropriate scale and configuration and there is no adverse impact on highway safety and the free flow of traffic.
8. The Council's Revised Technical Standards for Footway Crossovers (RTS) has, as its primary considerations, the need to ensure, so far as practicable, safe access to and egress from premises and the need to facilitate, so far as practicable, the passage of vehicular traffic in highways. It lays down a number of requirements for vehicular crossovers. With regard to footway visibility, the proposed development would meet the requirements and, in any case, pedestrian footfall in the area would appear to be very low. Similarly, Berkeley Gardens is a relatively quiet residential cul-de-sac with generally low traffic flows. The appeal property is sited at the end of the cul-de-sac road meaning that vehicle speeds approaching the proposed crossover will be very low. On this basis, I do not consider that the proposed development, in itself, would be harmful to highway safety along the road.
9. More specifically, the Council contends that the crossover would adversely affect pedestrian movements around the head of the cul-de-sac. However, the proposal would retain an adequate footway around the turning head and the creation of the parking area would result in only one vehicle using the access. I do not consider that the proposal would have any more substantial adverse

- effect than any other crossover associated with off-street parking on a residential road where vehicles have to cross a footway, such as is the case, for example, at the adjacent No 50.
10. I do, however, have some concerns regarding the lack of demarcation between the appeal land and the remaining pedestrian footway around the head of the cul-de-sac. Currently, the appeal land appears as an extended area of footway. The creation of a vehicular parking area with associated access would require some kind of boundary treatment to ensure the safety of pedestrians. This could be achieved by use of a planning condition as suggested by the appellant, and I have used such a condition in this decision letter.
11. The Council also contends that the access would result in adverse effects on highway safety, particularly with reference to pedestrians, with regard to manoeuvring into and out of the parking space. As indicated above, there would effectively be only one vehicle using the space and I consider that this would not be any more harmful to pedestrian safety than would be the case with any other crossover having a vehicle manoeuvring across a footway into a parking space serving a residential property.
12. Moreover, I note that this eventuality would only be necessary if the whole area of the turning head were to be used for parking of other vehicles, thereby effectively resulting in an obstruction to the expected, and presumably planned, functioning of the end of the cul-de-sac. At the time of my site visit, the whole of the turning head was obstructed by parked vehicles rendering it impossible for any vehicle parked anywhere along the road to turn around in the space designed for that purpose. This also resulted in blockage of much of the existing pedestrian crossover at the end of the cul-de-sac. In my opinion, the proposed development, by virtue of the widened crossover to include vehicular use, would result in additional space being left free of parked vehicles at this point, and this would be of benefit to all vehicles and pedestrians using this part of Berkeley Gardens.
13. In conclusion, I find that the proposal would not result in harm to highway safety along this section of Berkeley Gardens with regard to both vehicular and pedestrian movement, and that it would not conflict with Policies DMD46 or DMD47 of the DMD, or with the general principals of the RTS. Accordingly, I allow this appeal.

Conditions

14. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have also attached a condition relating to boundary treatment of the parking space in the interests of pedestrian safety in the vicinity of the appeal site.

J D Westbrook

INSPECTOR