



Appeal Decision

Site visit made on 10 April 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Appeal Ref: APP/Q5300/D/24/3357350

34 Wilmer Way, Southgate, Enfield N14 7HX

- 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 Alin Mariciuc against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/03085/HOU.
 - The development proposed is vehicular access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

Application for costs

3. An application for costs was made by Mr Alin Mariciuc against the decision of the Council of the London Borough of Enfield. This application is the subject of a separate decision.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

5. The site is located within a predominantly residential area; the appeal property is a two storey semi-detached property with hardstanding to the front, which I understand can be accessed by vehicles via a shared access from No. 34a Wilmer Way, although no substantive evidence has been provided confirming arrangements for shared access.
6. The proposed development would create a new vehicular crossing from the appeal site over the grass verge to Wilmer Way. Wilmer Way is a busy classified road close to the junction connecting to the A406 and A1110.

7. From the information provided I note that there have been multiple refused applications for development similar to the appeal proposal before me at the appeal site, including a dismissed appeal in 2024¹. This decision is a material planning consideration, local planning policies have not changed since the decision was issued, and I have not been provided with any evidence that there have been changes to the site or the area, as such I give this decision significant weight.
8. Policy DMD 46 of the Enfield Development Management Document (2014) (the DMD) does not support the creation of new accesses onto busy classified roads in general. Where vehicle crossovers are permitted the policy sets criteria which should be met, including no increased on-street parking pressure, no adverse impact on road safety and on the free flow and safety of traffic, and that vehicles should enter and exit the site in a forward gear etc.
9. At the time of my site visit on-street parking was prevalent with little on-street parking available. The provision of off-road parking would result in the loss of existing on-street parking, which would result in increased parking pressures. I also observed that neighbouring properties have vehicular access in order to provide off-street parking. Nevertheless, I have not been provided with substantive evidence from the appellant to confirm that there is sufficient on-street parking available which would mitigate my observations during my site visit which was conducted outside of busy periods.
10. There is a tree within the verge close to the proposed access along with a traffic sign managing the speed restriction from 30mph to 20mph which corresponds to school movements. The proposed access would be located between these two features. The tree and sign have the potential to restrict visibility to drivers who would use the proposed vehicle access.
11. The proposed plan denotes a vehicle being able to access the hardstanding at the front of the property and manoeuvre into an area labelled 'right of way' between the appeal site and No. 34a to enable access/egress in a forward gear. This area is not within the red edge (nor any blue edge) of the location plan and I have not been provided with evidence to confirm that this is a right of way which would be available to the appellant at all times. As such the appellant has failed to demonstrate that vehicles can enter and exit the site in a forward gear.
12. I observed during my site visit that vehicles travelling from the south do cross into the painted hatched central reservation. Visibility of these vehicles would be limited by on-street parking, and the tree and sign adjacent the proposed access.
13. I observed during my site visit that there are similar parking arrangements to the front of properties within the immediate vicinity of the appeal site. I am unaware of the specific details of these cases; however, some would rely on reversing onto or out of this busy road which reinforce my concerns with regard to highway safety. The presence of similar access points does not persuade me that the proposed development, which would pose a highway safety risk, should be allowed.
14. Whilst the speed restriction at certain times and the location near the A406/A1110 junction are likely to result in lower speeds near the appeal site, this does not alleviate highway safety concerns. I find that the formation of this vehicular access would hinder the free flow of traffic along this busy road, increasing road danger.

¹ APP/Q5300/D/24/3338000

15. I conclude that the proposed development would have an unacceptable effect on highway safety. There is conflict with Policy DMD 46 of the DMD and the Revised Technical Footway Crossover Standards (2013) which requires that developments do not adversely affect the free flow and safety of traffic on the adjoining highway.

Other Matters

16. The appellant confirms that they have an electric vehicle and are unable to charge their vehicle due to lack of access. Even if the shared vehicular access with No. 43a was restricted this would not outweigh the harm I have identified in relation to highway safety. I give this limited weight.
17. The appellant has drawn my attention to an appeal decision for a similar development at 51 Hedge Lane² I have not been provided with any plans or details in relation to the decision. Even so, I note that a number of available on-street parking spaces were available at the time of the Inspectors site visit and that there were road marking outside of the site denoting a change in road layout due to a nearby pedestrian island. This is different to the appeal site location and therefore whilst a similar proposal is not directly comparable. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
18. The appellant has also drawn my attention to other appeals which cannot be located despite requests the appellant has not provided the appeal decisions³ referenced.

Conclusion

19. For the above reasons I conclude that this appeal should be dismissed.

Chris Pipe

INSPECTOR

² APP/Q5300/D/20/3251862

³ APP/Q5300/A/08/20900353 & DCAP37990