
Appeal Decision

Site visit made on 8 July 2025 by S Wilson LL.B. MSc MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Appeal Ref: APP/F5540/D/25/3367131

76 Dukes Avenue, Chiswick, Hounslow, London W4 2AF

- 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 Anthony Chant against the decision of the Council of the London Borough of Hounslow.
 - The application reference is P/2024/4251.
 - The development proposed is the formation of a dropped kerb to facilitate off-street parking, installation of a vehicle turntable and an electrical vehicle charging point together with associated alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appellant has commented in their statement that the turntable, which formed part of their application, is no longer part of the proposal. This would constitute an amendment to the scheme considered by the Council.
4. The 'Procedural Guide – Planning Appeals – England' advises that if an appeal is made, the appeal process should not be used to evolve a scheme and that where amendments are proposed during the appeals process, the Planning Inspectorate will consider whether, exceptionally, to accept them. The guide explains how it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and by interested parties at the application stage. The amended scheme was not the original submission upon which consultation was carried out. It would be a fundamental change to the application and result in a different development. If accepted, this would cause unlawful procedural unfairness to any interested parties whose comments were made on the original proposals and not the amended proposals. This is also of significance for a householder appeal of this nature where comments from the Council and interested parties are not invited at this stage.
5. Therefore, having regard to the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin), which refined the "Wheatcroft principles" set out in *Bernard Wheatcroft v Secretary of State for the*

Environment (1982) 43 P. & C.R. 233, I will determine the appeal based on the plans considered by the Council which were subject to the statutory consultation as required.

Main Issue

6. The main issue is the effect of the proposal on highway safety.

Reasons for the Recommendation

7. The appeal property is located on Dukes Avenue, a two-way single carriageway with a 20mph speed limit and with residential properties, footways and multiple street trees on both sides. It is located opposite a T-junction and in a Controlled Parking Zone (CPZ) with several parking bays in the carriageway. On my site visit, which I appreciate is a snapshot in time, I observed consistent levels of multi-directional pedestrian, cyclist, and vehicular traffic. I note that there is also a school in proximity.
8. The proposed development involves the formation of a driveway/parking space to the front elevation of the property; a crossover; a turntable that would allow vehicles to enter and exit in a forward gear; and a low boundary wall with railings.
9. Supplementary Planning Document guidance in the Residential Crossovers and Off-Street Parking Policy (2016) (the SPD), sets out that vehicular visibility splays must accord with the Manual for Streets, noting that whilst the detail is explained in Table 7.1 of Manual for Streets, within a 20mph zone the vehicular visibility splay distance must be 25m in both directions.
10. The Road Safety Audit (June 2025) acknowledges that the visibility splay to the north encroaches an existing on-street parking bay, which would limit the level of achievable visibility when occupied. I also observed on my site visit that a vehicle parked in this location would restrict visibility from the proposed crossover and given that the parking bay is provided as part of the CPZ, it would not be possible to control it. Therefore, the inadequate visibility splay taken together with the multi directional competing traffic would lead to an increased risk of conflict between users and an unacceptable impact on highway safety.
11. The visibility splay to the south would be impeded by the presence of a post-box, which would be compounded by the presence of a large street tree in proximity and the proposed movement of a lamp post. The Road Safety Audit acknowledges that the existing post-box would cast a wide shadow within the visibility splay to the south which would '*...limit visibility of a northbound cyclist / motorcyclist which may lead to a rear or side impact type collision.*'
12. By itself, the post-box impeding visibility for vehicles using the proposed crossover would lead to an unacceptable impact on highway safety due to the inadequate visibility splay combined with the competing multi directional traffic. This would be compounded by the placement of the lamp post near the post box and the large street tree, both of which would add an impediment to visibility. I am not convinced that vehicles, cyclists and motorcyclists would be visible to the south from the crossover, particularly given the competing multi-directional demands at this location. As such the proposal would provide an inadequate south visibility splay increasing the risk of conflict of users at this location resulting in an unacceptable impact on highway safety.

13. The Appellant maintains that vehicles may '*nudge forward*' to overcome the impediments to both the south and north visibility splays. Given the appeal site's location on a T-Junction, its proximity to a school and the multi directional demand from all users, there would be the likelihood that users of the crossover would be required to wait when exiting the appeal site in a vehicle, blocking the footway, and forcing pedestrians to wait or manoeuvre into the highway to get past. People with mobility or visual disabilities and parents with small children could collide with the obstruction or be required to enter the highway to avoid vehicles blocking the footway. This would increase the likelihood of bringing pedestrians into direct conflict with moving vehicles and thus hazardous highway conditions.
14. As such, the above manoeuvre would be dangerous due to the competing vehicular and pedestrian traffic, the restricted visibility and the attention required to navigate all these competing pressures at this location.
15. The Appellant has drawn my attention to several other crossovers located in the area hindered in their visibility splays by street trees and street furniture, and other crossovers located on or near T-Junctions. However, I have not been provided with substantive details of those crossovers and therefore cannot be certain under which Development Plan Policies they were considered or if they even have permission at all. Nonetheless, their existence does not justify the proposed development given the unacceptable impacts on highway safety I have identified above. Therefore, I afford them limited weight.
16. I acknowledge the provision of collision data showing that there were no collisions in the vicinity of the site in the last five years relating to vehicles exiting private driveways. However, I note that the collision data demonstrates collisions specifically at junctions and the appeal site is located on a T-junction. I also acknowledge the potential performance of three point turns in the highway by parking bay users and the potential removal of one parking bay which would increase the width of the useable carriageway. I am not convinced this would lead to an improvement in highway safety, a significant reduction in car dominance or an improvement in cycling provision. Nonetheless, these matters would not justify the proposal given the harms identified to highway safety above.
17. I have had regard to guidance in the Manual for Streets 2 in relation to how occasional existing street furniture and trees within a visibility splay would not cause an accident hazard as drivers would proceed with caution accordingly. I am not assured that the proposed scheme would achieve sufficient visibility and that there is no harm to highway safety, due to the cumulative effects of the street furniture and street trees located together at this location obscuring visibility. Therefore, I afford that guidance limited weight in this instance.
18. The evidence indicates that the Appellant would be willing to contribute to Electric Vehicle infrastructure; however, this would not overcome the unacceptable impact on highway safety identified above.
19. I have had regard to the Road Safety Audit and other evidence, and I remain unconvinced that the proposed scheme would not adversely affect highway safety. The proposal would provide inadequate visibility splays to the north and the south. Even if I accepted the amended proposal to remove the turntable this would not overcome the harm I have identified in terms of visibility.

20. The proposal would adversely affect highway safety. Accordingly, the proposal would conflict with London Borough of Hounslow Local Plan 2015-2030 Policies EC1 and EC2, the London Plan (2021) Policies T1 and T2, insofar as they seek high quality development that improves the transport network; require proposals for crossovers to be consistent with the Council's SPD Policy. Furthermore, the proposal would conflict with paragraphs 115 and 116 of the National Planning Policy Framework 2024, insofar as they seek development that does not have an unacceptable impact on highway safety and provides safe and suitable access for all users.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR