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Appeal Statement of Case

Permission Refused for:

Installation of vehicle crossover and parking to front garden

Address:

282 Station Road, Hayes, UB3 4AW

LPA Reference:

21313/APP/2023/3578

Appeal Dated:

April 2024

Contents

1. Introduction.....	Page 3
2. Site and surroundings.....	Page 4
3. Relevant planning history.....	Page 6
4. Planning policy context.....	Page 7
5. The appellant's case.....	Page 12
6. Conclusions.....	Page 17

1. Introduction

- 1.1.** Hillingdon Borough Council refused planning permission for the following development at 282 Station Road, Hayes, UB3 4AW on 1st February 2024;

Installation of vehicle crossover and parking to front garden

- 1.2.** The application was refused permission for the following reason:

Due to the proximity to an existing bus flag and cage, the proposed development would likely be harmful to pedestrians and road users to the detriment of pedestrian and highway safety contrary to Policy T4 of the London Plan (2021) and Policies DMT2 and DMT5 of the Hillingdon Local Plan- Development Management Policies (2020).

2. Site and Surroundings

- 2.1.** The application site is located within the Local Authority of the Hillingdon Administrative area.
- 2.2.** The appeal site pertains to a two-storey mid-row terrace situated along the northern side of Station Road.
- 2.3.** The site can be found in a residential neighbourhood which predominantly consists of terraced properties, contributing to its residential character.
- 2.4.** The primary facade is positioned behind a front garden area entirely surfaced with hardstanding material.
- 2.5.** The site is not within the Green Belt, AONB or Conservation Area. The building is not listed and there are no listed buildings in the vicinity of the site.
- 2.6.** The appeal site as viewed from Station Road is shown below.



Figure 1: 282 Station Road as seen from the street.

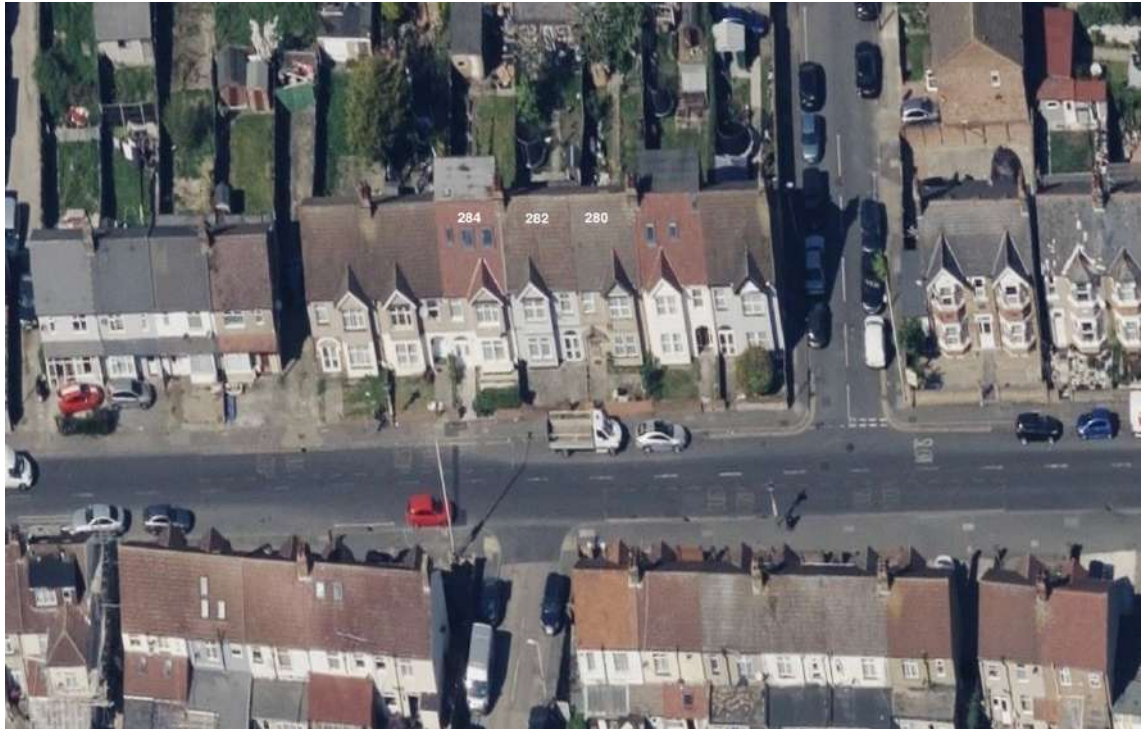


Figure 2: Aerial view of the site.

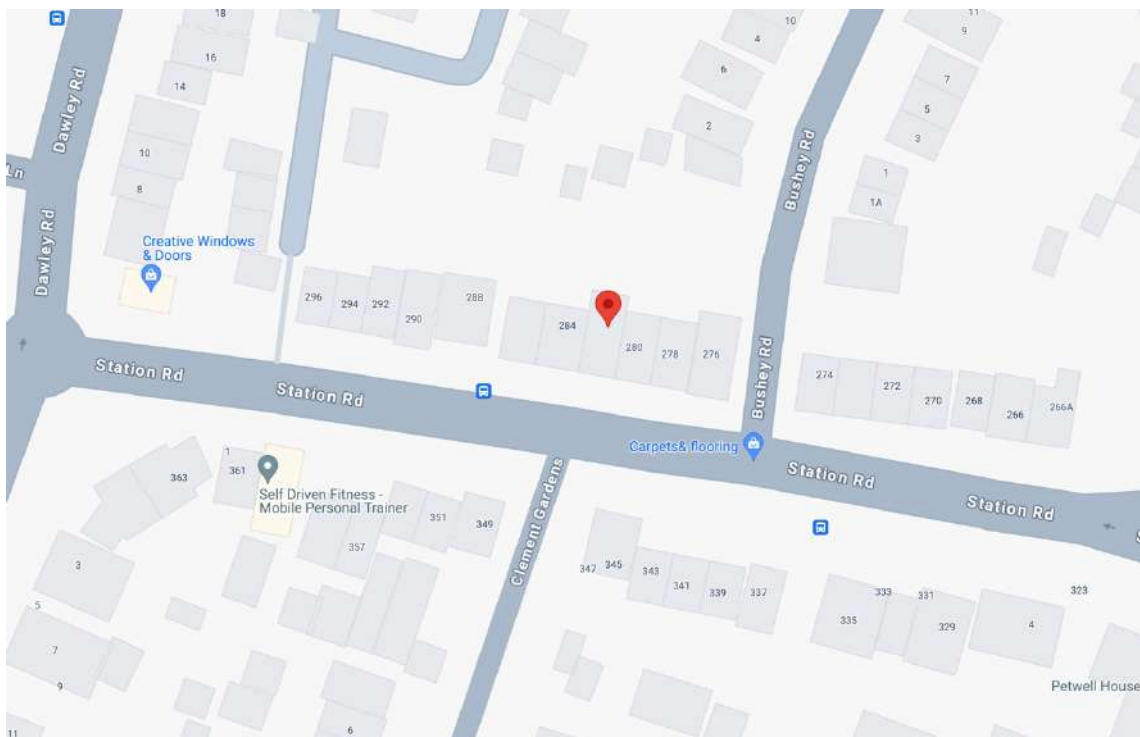


Figure 3: Appeal site in wider context.

3. Planning History

3.1. A full search of planning history for the application site has been carried out in preparation of the appeal statement.

3.2. The applications below are considered relevant to this appeal;

[21313/APP/2011/2922](#) - Single storey rear extension – Approved 02-12-11

[21313/APP/2020/396](#) - Installation of vehicular crossover – Refused on 06-02-20 for the following reason;

The proposal would provide a parking space of insufficient depth resulting in vehicles overhanging the footpath to the detriment of pedestrian and highway safety and contrary to policies DMT2 and DMT6 of the Hillingdon Local Plan- Development Management Policies (2020).

4. Planning Policy Context

- 4.1.** This section of the statement provides an analysis of the planning policy context in which the proposed development should be considered in accordance with the relevant planning legislation and national policy guidance.
- 4.2.** Planning decisions in England and Wales should be taken in accordance with the development plan unless material considerations indicate otherwise. This statutory requirement is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 4.3.** The statutory development plan for Hillingdon consists of:
- London Plan (2021)
 - The Local Plan: Part 1 - Strategic Policies (2012)
 - The Local Plan: Part 2 - Development Management Policies (2020)
 - The Local Plan: Part 2 - Site Allocations and Designations (2020)
 - The West London Waste Plan (2015)
- 4.4.** While not forming part of the statutory development plan, the following documents remain important material considerations for the determination of planning applications in Hillingdon:
- National Planning Policy Framework [NPPF] (2021)
 - Supplementary Planning Guidance and Documents; and
 - Local Plan Evidence Base.
- 4.5.** The most relevant extracts of these documents are analysed in more detail below.

NATIONAL PLANNING POLICY

National Planning Policy Framework (2021)

- 4.6.** On 27th March 2012, the government adopted the National Planning Policy Framework (NPPF). The document provides a consolidated framework of planning policy which replaces most of the previous national Planning Policy Statements and Planning Policy Guidance Notes. This has most recently been superseded by three revisions, the first on 24th July 2018, the second on 19th February 2019, revised in July 2021 and most recently 19th December 2023.
- 4.7.** The NPPF outlines the presumption in favour of sustainable development. It further states that permission should be granted for development where a plan is absent, silent, indeterminate or where relevant policies are out of date.
- 4.8.** The framework indicates that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes a material consideration in determining applications.

- 4.9.** Paragraph 128 states that design quality should be considered throughout the evolution and assessment of individual proposals, whilst Paragraph 130 recognises that permission should be refused for development of poor design which fails to improve the character and quality of an area and the way it functions.

LOCAL PLANNING POLICY

Local Plan Part 1 - Strategic policies (2012)

- 4.10.** The Council adopted the Core Strategy in November 2012 and it forms part of the development plan for the area.
- 4.11.** The Strategy sets out the spatial vision which supports the overarching vision and goals for Hillingdon. The following Policy is considered relevant to the determination of the application.
- 4.12.** Policy BE1 'Built Environment' states "The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents".

Local Plan Part 2 - Development Management Policies (2020)

- 4.13.** This document sets out the Council's Development Management Policies for the different types of planning related development, it was adopted in January 2020.
- 4.14.** Policy DMT 2: Highways Impacts Development proposals must ensure that:
- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
 - ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
 - iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
 - iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
 - v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.
- 4.15.** Policy DMT 5: Pedestrians and Cyclists
- A) Development proposals will be required to ensure that safe, direct and inclusive access for pedestrians and cyclists is provided on the site connecting it to the wider network, including:
 - i) the retention and, where appropriate, enhancement of any existing pedestrian and cycle routes;
 - ii) the provision of a high quality and safe public realm or interface with the public realm, which facilitates convenient and direct access to the site for pedestrian and cyclists;
 - iii) the provision of well signposted, attractive pedestrian and cycle routes separated from vehicular traffic where possible; and
 - iv) the provision of cycle parking and changing facilities in accordance with Appendix C, Table 1 or, in agreement with Council.

- B) Development proposals located next to or along the Blue Ribbon Network will be required to enhance and facilitate inclusive, safe and secure pedestrian and cycle access to the network. Development proposals, by virtue of their design, will be required to complement and enhance local amenity and include passive surveillance to the network.

Domestic Vehicle Footway Crossover Policy (2022)

4.16. This Supplementary Document gives homeowners guidance on construction a crossover at their property. The document goes into detail about the different requirements to ensure safe design. thus, reducing highway risk.

4.17. The following policies are considered key extracts from the Domestic Vehicle Footway Crossover Policy (2022) which are relevant to this appeal.

4.18. (3.4) Safety Considerations

- To maintain the appearance of the property and to maintain pedestrian safety it would be preferable where possible to keep vehicle and pedestrian accesses separate. Where the approved crossover extends across the front door, the depth of the frontage should be adequate enough to prevent the vehicle from obstructing the pedestrian access between the public footway and the front door.
- Any gate/s at vehicle entrances to a property must open inwards.
- The applicant must ensure that adequate sight lines are maintained to allow safe access to their property.
- The crossover must not be within 5m of a roundabout and an existing road junction, measured from the nearest part of the crossover to the extended kerb line of the joining road. This would be applied to all classified roads. The decision on residential roads will be made on a case-by-case basis by a highways engineer taking into account, road safety considerations such as (but not limited to) conflict with pedestrian crossing, impact on other road users, etc.
- The crossover should not be within 10m of the approach to traffic signal junctions and pedestrian crossings/zebra crossings or School Keep Clear line markings
- New crossovers are not permitted within 10 metres of a bus stop flag (where there is no cage) or within bus stop cage markings to ensure that accessibility and safety for bus passengers are not affected. Where a bus stop is used by more than one bus service this distance may be extended to 20m to facilitate 2 buses arriving at the stop at the same time as appropriate.
- Any request for the relocation of the bus stop and/or markings would be referred to Transport for London (TfL) who are responsible for all bus stops and related matters, for their decision.
- A crossover application will be refused if the resulting gradient across the footpath would be dangerous for pedestrians.

4.19. (4.1) Forecourt dimensions

Minimum dimensions apply to a vehicle parking area in order that a vehicle is able to be parked safely off the public highway without overhanging any part of it, allow sufficient space for occupants to get in, out and around the vehicle and so as not to obstruct access to the doors of the property.

Accordingly, a vehicle hardstanding should be at least 4.8 metres deep and set out at 90 degrees to the carriageway (see Fig 1). 0.6m 2.4m - 5m 0.6m

New Short Frontage Policy

1. Amendments to our previous crossover policy, we have now introduced a short frontage policy, which will enable more residents to have crossovers installed. (see Fig 2).

- a. The frontage is an absolute minimum of 3.8 metres deep, (for parking at 90 degrees to the carriageway)
- b. The vehicle does not overhang onto the highway. (Any vehicles that overhang onto the highway and block any part of the pavement will be subject to enforcement action, as stated in section 6 of this policy). Standard 4.8m Path Footway House 10 0.6m 2.4m - 5m 0.6m

2. If there is shared access between the properties and the applicant wishes to park their vehicle using the shared crossover but does not meet the above depth criteria, the application for a crossover may be approved only if the following criteria are met.

- a. The frontage must be at least 3.2m deep and 9m wide (Please refer to Fig 3 below)
- b. Agreement on the shared crossover with the neighbour as applicable
- c. The vehicle does not overhang onto the highway (Any vehicles that overhang and block any part of the pavement will be subject to enforcement action, as stated in section 6 of this policy).

REGIONAL PLANNING POLICY

London Plan (2021)

4.20. Policy T4 is titled Assessing and mitigating transport impacts, and states;

A) Development Plans and development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity.

B) When required in accordance with national or local guidance,[179] transport assessments/statements should be submitted with development proposals to ensure that impacts on the capacity of the transport network (including impacts on pedestrians and the cycle network), at the local, network-wide and strategic level, are fully assessed. Transport assessments should focus on embedding the Healthy Streets Approach within, and in the vicinity of, new development. Travel Plans, Parking Design and Management Plans, Construction Logistics Plans and Delivery and Servicing Plans will be required having regard to Transport for London guidance.[180]

C) Where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

D) Where the ability to absorb increased travel demand through active travel modes has been exhausted, existing public transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans and funding exist for an increase in capacity to cater for the increased demand, planning permission will be contingent on the provision of necessary public transport and active travel infrastructure.

E) The cumulative impacts of development on public transport and the road network capacity including walking and cycling, as well as associated effects on public health, should be taken into account and mitigated.

F) Development proposals should not increase road danger.

4.21. In addition to the above policy the LPA have listed the following policy as relevant to the appeal scheme. The Inspector is requested to consider these policies to ensure a fair assessment of the proposal.

Local Plan Part 1 Policies:

PT1.BE1 (2012) Built Environment

Local Plan Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHD 1 Alterations and Extensions to Residential Dwellings

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP T4 (2021) Assessing and mitigating transport impacts

LPP T6 (2021) Car parking

LPP T6.1 (2021) Residential parking

5. The Appellant's Case

Context

This appeal is against the decision by the Borough of Hillingdon to refuse planning permission for the *Installation of vehicle crossover and parking to front garden* at 282 Station Road.

5.1. The material consideration that arises from the reason for refusal is as follows:

- *Impact on Pedestrian and Highway Safety*

5.2. The Council's reason for refusal of planning permission was as follows:

Due to the proximity to an existing bus flag and cage, the proposed development would likely be harmful to pedestrians and road users to the detriment of pedestrian and highway safety contrary to Policy T4 of the London Plan (2021) and Policies DMT2 and DMT5 of the Hillingdon Local Plan- Development Management Policies (2020).

Impact on Pedestrian and Highway Safety

5.3. Station Road is a moderately busy road within a predominantly residential urban area, characterised by terraced properties. The appeal site is located on the northern side of Station Road where a significant number of properties within the vicinity enjoy off-street parking and benefit from a vehicle crossover with a hardstanding area. The road has a designated speed limit of 30mph, and given its urban context, traffic typically moves at a reduced speed.

5.4. There would be a high level of visibility that a moving car can anticipate the car safely exiting the appeal site due to the openness of the front boundary and fact there is no front boundary wall. One of the street parking spaces directly outside the property would be removed and leaves adequate view both of a car moving out of the property and cars moving along Station Road. However, the presence of the nearby bus stop necessitates careful consideration of pedestrian safety which both the LPA and appellant feel strongly about to ensure safety for all.

5.5. Overall, it is considered that cars would be moving at a considerable slow speed, which would significantly reduce any opportunities for road accidents. At the proposed site there would be a high level of visibility where a moving car could anticipate the car safely exiting no.282, due to the openness of the front boundary and lack of front boundary wall. If the scheme was to be allowed there would be no car parking directly in front of the property and therefore clear visibility would be offered to highway users and pedestrians.

5.6. The refusal reasons cite concerns regarding the impact of the proposed development on pedestrian safety due to its proximity to the bus stop. However, it should be noted that similar developments with vehicle crossovers exist along Station Road without reported incidents of harm to pedestrian safety.

5.7. For examples nos.288 & 290 which already have an existing drop kerb within the bus cage. If this development gave rise to safety issues, then the Council would reasonably be expected to take the necessary action to ensure no further risk to highways and pedestrian users took place. Hillingdon have presented no such evidence of accidents related to this site or Station Road.



Figure 4: Nos.288 & 290 Station Road.

- 5.8.** In addition to the examples above, on the southern side of Station Road no.337 can be found which has a large vehicle crossover located inside a bus cage.



Figure 5: 337 Station Road.

- 5.9.** The Council have presented no evidence to suggest that the presence of these accesses have resulted in harm to the highway safety on Station Road. There are also a number of vehicle crossovers in close proximity to the bus cages on both sides of Station Road, some of these have double or even triple car parking spaces.
- 5.10.** At no.282, the car would be parked vertically and would be able to manoeuvre on and off the site in the same fashion that the other drivers of the nearby properties which enjoy off street parking. The speed limit on the road is 30mph and thus road traffic is also likely to be travelling relatively slowly. Given the slow speed in which the owner would be exiting from the site it is deemed passing traffic, pedestrians and cyclists would have a substantial view of the vehicle moving out from the site. It is, therefore, considered that the risk of pedestrian or vehicular collision would be no further impacted by this scheme and it would comply with DMT2 & DMT5
- 5.11.** Council policy is not rigid and should be applied with flexibility where appropriate. This is to ensure that the specific needs of individual properties are met. In this instance street parking is not desirable or convenient due to the risk of opening car doors into passing traffic. The Inspector will recognise the appeal property and those which are found within the locality are well suited for family occupation. However, due to the lack of safe parking at no.282 the property does not meet the needs of most families be it those with young children or elderly persons, therefore off-street parking is needed to ensure the property is fit for family use.
- 5.12.** The appeal site has a PTAL rating of 3, which is considered mediocre. This means access to public transport and connectivity to other areas is not sufficient to be a viable alternative to personal transport. As such it is reasonable to expect the household to have at least one car. This further supports the appellant's position and demonstrates the need to facilitate off-street parking at no.282.



Figure 6: PTAL rating at 282 Station Road.

- 5.13.** It is recognised that the insertion of a new crossover at the kerbside would necessitate the removal of some on-street parking along the roadside. By removing parking spaces, and thereby parked cars in the vicinity of the proposed crossover, space would be created at the kerbside to provide visibility of vehicles emerging from the new parking space. This arrangement will limit the number of parked cars outside the appeal property and therefore increase visibility when manoeuvring on and off the curtilage.

- 5.14.** As already outlined there many examples in the nearby area of on-site parking developments. If the access and egress arrangements to the other sites presented any danger to highway safety, it is reasonable to have expected evidence, anecdotal or otherwise. It has been seen on site that traffic flows are relatively slow along the immediate stretch of Station Road outside the appeal site. There is nothing about the highway conditions to suggest that there is any inherent danger.
- 5.15.** In this case it's important to consider the neighbouring properties and the wider context of the street. The refusal reason is very clear that *"due to the proximity to an existing bus flag and cage, the proposed development would likely be harmful to pedestrians and road users to the detriment of pedestrian and highway safety"*. The appellant considers this position unjust given the existing circumstances i.e. the large proportion of the properties on the street in conflict with this statement.
- 5.16.** Furthermore, the development is not thought to be in conflict with policy T4 of the London Plan or DMT2 & DMT 5 of the Hillingdon Local Plan. These policies set out considerations to ensure highway safety is maintained or improved. In Hillingdon's Domestic Vehicle Footway Crossover, the guidance states that;
- "New crossovers are not permitted within 10 metres of a bus stop flag (where there is no cage) or within bus stop cage markings to ensure that accessibility and safety for bus passengers are not affected"*
- 5.17.** This statement is not wholly clear but given the wording it is reasonable to conclude that the guidance advises that new vehicle crossovers cannot be installed within 10m of a bus stop flag where there are no road markings present on the street. Alternatively, if there is a bus cage marked on the road then no new vehicle crossovers can be installed within its borders. Which means if a proposed crossover falls outside of this boundary, as in the case of the appeal site, then it means it would be permissible. On this basis the appeal scheme complies with the Domestic Vehicle Footway Crossover Policy (2022).
- 5.18.** It is requested that the Inspector clarifies their personal interpretation of this guidance found in the Domestic Vehicle Footway Crossover Policy (2022) in the appeal decision.

Character, Context and Materiality

- 5.19.** As per the proposed drawings, the frontage is depicted with a maximum depth of 4.7m. Although this measurement doesn't incorporate the bay window's presence. Accounting for the bay window, the depth from it to the footpath amounts to approximately 4m.
- 5.20.** This configuration adheres to the specifications outlined in the 'New Short Frontage Policy' within the Domestic Vehicle Footway Crossover Policy (2022), which requires a minimum of 3.8m where a vehicle parks at 90 degrees to the carriageway. Therefore, the proposed off-street parking is deemed sufficient and is considered acceptable in principle.
- 5.21.** Given the family's need for one available car parking space on this site, the current situation at the site does not cater for this. It is also noted that the high number of vehicle crossovers present has altered the character and context of the road to make it an acceptable presence.

5.22. The development seeks permission primarily for the installation of a vehicle crossover. The driveway area is proposed to be constructed of hard standing which will take the form of permeable block paving material.

5.23. For the reasons already discussed in this statement the development represents sustainable development, as required by the NPPF and is believed to be in accordance with Policy DMT2 and DMT5 of the Hillingdon Local Plan-Development Management Policies (2020) and the Domestic Vehicle Footway Crossover Policy (2022). Therefore, the inspector is respectfully requested to allow the appeal.

Other Matters

5.24. In addition to addressing concerns related to pedestrian and highway safety, the proposed development also aims to contribute to sustainable transportation practices by providing off-street parking facilities, which may include provisions for electric vehicle charging. The recent expansion of the ULEZ and restriction of combustion vehicles in the near future has intensified the demand for EV charging facilities at home for all Londoners.

5.25. By modernising the property and facilitating the adoption of electric vehicles, the proposed development aligns with local and national goals for reducing carbon emissions and promoting environmentally friendly transportation options.

5.26. The appellant wishes to provide insight from the December 2022 appeal decision at 575 Gander Green Lane (Sutton) APP/P5870/D/22/3305956. Full details will be provided with this statement. In this case, planning permission was granted for the construction of a vehicle crossing.

5.27. Although, it is acknowledged that this site falls within another administrative area, namely the London Borough of Sutton, the crucial conclusion drawn from this case, deemed highly pertinent to the appeal at 282 Station Road, was that the installation of a vehicle crossover did not raise concerns regarding highways or pedestrian safety. Consequently, the development was permitted upon appeal.

5.28. The development at 575 Gander Green Lane is regarded as being situated in a more delicate context, notably because the proposed crossover was within the existing bus cage. Nevertheless, the vehicle access was ultimately deemed suitable. Should the Inspector identify any conflict between the policies used to reject the proposal at 282 Station Road and the development, it is urged that the Inspector adopt a flexible approach to policy, mirroring the decision made in the case at 575 Gander Green Lane.

5.29. Should the Inspector find it necessary to grant the appeal, the appellant is willing to accept conditions to ensure compliance with relevant planning policies and to address any outstanding concerns.

6. Conclusion

- 6.1.** This appeal is made under Section 78 of the Town and County Planning Act 1990 (as amended). It sets out the Appellant's Case against the refusal of planning permission by the London Borough of Hillingdon
- 6.2.** It is clear that the council have taken an unjustified stance in subjectively considering that the proposed scheme would impact on the host property given the discrete and minor nature of the proposal. It is evident that the appeal proposal would not adversely affect the streetscene or impact on the character of the area. Emphasis in National and Local planning policy is clearly placed on high quality appropriate design which would be successfully achieved through the appeal scheme.
- 6.3.** The appellant has no desire to create a crossover that is not worthy of the existing property and would cause safety issues on the street. They feel strongly that the proposed works would make a positive addition to the external appearance of the site and improve the lives of the owners, while also ensuring no impact on the host property.
- 6.4.** Given the above points, it is confidently asserted that the appeal development would result in a well-proportioned crossover that would appear appropriate to the surrounding area because of the large number that already exist and the context of the street. Due to its minor scale, it would have less than harmful impact on the appearance of the host property and streetscene and, as such, no significant detrimental impact would result by allowing the development to take place.