



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr T Cunningham

Proposal:
Proposed extension to an existing vehicle access crossover.

Appeal Site:
71 Hercies Road, Uxbridge, UB10 9LU

Our Ref: 13487/APP/2024/3077

Your Ref: APP/R5510/W/25/3368002

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the Proposed extension to an existing vehicle access crossover.
- 1.2 The LPA refused planning permission on 11th February 2025 for the following reason (as stated on the decision notice):
 - (1) Due to its width, dimensions and location, the proposed extension to the vehicle crossing would significantly compromise the safety of pedestrians and cyclists contrary to Policies DMT 2, DMT 5 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy T4 of the London Plan (2021), and the Council's 2022 Domestic Vehicle Footway Crossover Policy.
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. Copies of relevant planning policies are included at Appendix 2.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.
- 1.5 The primary argument advance in the appellants statement of case is as follows:
 - (1) That the development would not compromise pedestrian or cyclist safety and the impact on highway amenity and pedestrian
- 1.6 Whilst the section below primarily addresses this matter, some further commentary is provided on other matters raised within the Statement of Case prepared by Joseph Jones dated 16th June 2025.

2. LPA Comments on Appellant's Statement of Case

Matters relating to the reason for refusal – impact on safety of pedestrians and cyclists

- 2.1 The Council consider that the planning application would be contrary to the London Plan 2021 Policy T4 Mitigating Transport Impact, this policy requires that development proposals do not "*increase road danger*". It would also not comply with The Hillingdon Local Plan: Part 2 Development Management Policies (2020) Policy DMT 2: Highway Impact which requires in bullet point No.ii that development proposals must ensure that "*they do not contribute to the deterioration of air quality, noise, or local amenity or safety of all road users and residents*"; and Policy DMT 5: Pedestrians and cyclists which requires that development proposal "*will be required to ensure the safe, direct and inclusive access for pedestrians and cyclists*".
- 2.2 Furthermore, the proposal would also be contrary to the Hillingdon Policy document titled Domestic Vehicle Footway Crossover Policy June 2022 paragraph 4.2.2 which

mentions that the maximum flat section allowed is 5.0 metres, as mentioned above the intention is to extend it to 8.0 metres.

- 2.3 The proposal is not in accordance with the above policy as an extended crossover would increase cyclists and pedestrians' exposure to road safety risk. This is because it would take pedestrians and cyclists longer to cycle or walk across a section of footway where vehicles would be crossing, this increases the likelihood of pedestrians/cyclists being struck by a vehicle.
- 2.4 Furthermore, widening the vehicle crossover would allow left-in drivers to cross the footway at a greater speed, because the turning radii would be increased drivers would be able to "sweep" onto the driveway. If the crossover were to be extended it is anticipated the appellant would demolish the front boundary wall on the eastern flank of the plot, this would further encourage and enable left-in drivers to enter the plot at a higher speed. The above would reduce the time drivers, cyclists and pedestrians would have to notice one another increasing the risk of a collision.
- 2.5 The appellant mentions within their statement of case that left-in vehicles overrun full height kerbs. This is not a flaw with the design but attributable to inadequate driving behaviour. On this basis it is considered that there is inadequate justification or need to carry out the proposed works, which as noted would compromise the safety of pedestrians and cyclists. On this basis it is considered that there are no demonstrable public benefits arising from the development which would outweigh the stated harm to the safety of pedestrians and cyclists.
- 2.6 It should further be noted that were the crossover were to be widened, it would impinge on the nearest lighting column requiring it to be moved to eliminate any risk of it being hit by a vehicle crossing the footway. However, it would not be possible to move the lighting column as there is not an alternative location that would meet British Standards and the Institute of Lighting regulations in respect of the uniformity of lighting distribution.
- 2.7 The Council consider that the statement of case does not set out substantial grounds to deviate from the Councils Domestic Vehicle Footway Crossover Policy June 2022 and maintain that the development would significantly compromise the safety of pedestrians and cyclists contrary to Policies DMT 2, DMT 5 and DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy T4 of the London Plan (2021), and the Council's 2022 Domestic Vehicle Footway Crossover Policy.

Other Matters Relating to Determination of Application

- 2.7 This section of the Councils SOC deals with other remaining matters raised within the Statement of Case prepared by Joseph Jones dated 16th June 2025.
- 2.8 It is referenced that the description of site contained in the officers delegated report refers to the application property (71 Hercies Road) as a bungalow when in fact the bungalow is the adjoining property (No.73 Hercies Road). This is accepted to be an error; however, this does not alter the decision to refuse planning permission and did not influence how the application was assessed by either the case officer or highways officer. It is noted that the site plan submitted by the appellant reference (COD-01-

2024) mislabels the two dwellings in question and the Council advises that the appellant submits a revised plan to correct this error to avoid any further misunderstanding. In relation to Paragraph 1.16 of the appellant's SOC, the case officer reviewed all relevant documents independent of the comments submitted by the Local Highways Authority when making the recommendation, although evidently as specialist technical consultees the LHA comments were afforded substantial weight when determining the planning application. There was no failure in the process of assessing the application as alluded to within the appellants SOC and this comment is unfounded.

2.9 The appellant states that the Councils *“failure to engage with the applicants when the LPA was informed that Highways were objecting to the application is a failure of policy which needs to be given substantial weight, because it breached the appellants Article 6 rights”*. It is not clear which ‘policy’ the appellant is referring to. The appellant refers to Article 6 of the Human Rights Act which is the right to a fair trial. There is however no obligation on behalf of the Local Planning Authority to negotiate amendments to planning applications or share comments from internal consultees including the Highways Authority. Neither is there a requirement to publish comments from internal consultees on the Councils website, which is referenced within the appellants Statement of Case. Whilst LPA’s may suggest amendments to the planning application and allow for the submission of technical information in response to consultee comments, this is at the discretion of the case officer and is dependent on the circumstances of the case. The Council clearly satisfied its duty in relation to Article 6 of the Human Rights Act in determining the submitted application in accordance with the plans and supporting information provided by the applicant and considering all matters against the relevant planning policy applicable to the proposed development.

2.10 A judgement on the acceptability of the planning application is made based upon the information provided by the applicant at the time that the application is submitted, unless the LPA consider there to be grounds to require amendments to be made or further information to be submitted. The obligation is on the applicant to submit appropriate information at the time of submission. In this instance the appellants did not submit a pre-application enquiry prior to making the application to discuss potential issues associated with the proposed development. Furthermore, accounting for the nature of the development it was considered that the matters relating to the reason for refusal could not be addressed through the submission of amended plans or further supporting information and negotiation would have been unlikely to result in a different outcome given that the development is contrary to policy and the Council consider that the need to extend the crossover is not justified.

2.11 The appellant suggests that the lack of consultation by the LPA until after the application was determined is a failure of policy. Reference is made to the NPPF outlining a need for consultation on individual planning applications, ensuring that those potentially affected by development proposals have an opportunity to express their views. This point is understood to relate to the requirement for the Council to consult with adjoining residents and relevant stakeholders, a requirement which was duly carried out. Consultation was carried out during the planning process with adjoining residents and the Highways Authority, so the appellants assertion is incorrect. The requirement to consult does not extend to consultation with the applicant during the planning process.

- 2.12 The appellants SOC suggests that *“by refusing the appellants application the LPA interfered with the appellants Article 8 Rights, and their Protection of Property Rights, by denying them permission to align their access, when it is misaligned, which was not supported by to policy. Following on from those considerations, if the appeal is dismissed it would result in the families having to continue to use a substandard Highway Access, and that would represent a serious interference with their rights under Article 8 of the European Convention on Human Rights.”* This assertion overlooks the fact that the access has been in place for a considerable period, potentially prior to the applicants owning the property. Historic imagery from Google Streetview indicates that the crossover has not been significantly altered since at least 2008. The Council disagree with the assessment that the extension to the crossover is necessary on safety grounds and that its retention compromises the rights of the occupier. It is also unclear why safety of access for the occupier should take precedence over the safety of the wider public including pedestrians and cyclists.
- 2.13 The LPA note references to green belt and sustainability matters raised within the Appellants Statement of Case does not appear to be of any relevance to the reason for refusal and the purpose of these references is unclear.

3. Other Matters

- 3.1 For the reasons outlined above it is respectfully requested that the appeal is dismissed, however if the appeal is allowed, the Local Planning Authority would advise that the following conditions should be attached to any planning permission:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on Drawing Nos. LP-01-2024 and COD-01-2024 and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON: To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020), and the London Plan (2021).

3. Unobstructed sight lines above a height of 1 metre shall be maintained on both sides of the entrance to the site, for a distance of at least 2.4m in both directions along the back edge of the footway or verge.

REASON: To ensure that pedestrian and vehicular safety is not prejudiced, in accordance with Policies DMT

- 3.2 As noted in the above section of the Statement of Case, the appellant is advised that drawing no COD-01-2024 referenced in condition 1 should be revised to account for the inaccuracies in the labelling of the relevant addresses.

4. Conclusion

- 4.1 For the reasons set out within this statement of case, the Local Planning Authority respectfully requests that this appeal be dismissed.