
Appeal Decision

Site visit made on 1 May 2018

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2018

Appeal Ref: APP/R5510/D/18/3196618

14 Mill Road, West Drayton UB7 7EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms C Edwards against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 68283/APP/2017/4440 was refused by notice dated 1 February 2018.
 - The development proposed is a vehicular crossover to access existing concrete hardstanding.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on highway safety.

Reasons

3. The appeal concerns a terraced dwelling that fronts onto Mill Road where there is a hardstanding but no dropped kerb. Mill Road is a classified road carrying a fairly high volume of traffic that includes buses and HGVs. Because of the relatively restricted size of the hard surface at 14 Mill Road a car would need to either be reversed out of the parking area or be backed into it from the street. It is usually significantly easier for drivers to control a vehicle moving forwards. It is also the case that vision looking out of the front windscreen tends to be considerably better, as there are generally blind spots to the rear which can make it difficult to see other vehicles and people.
 4. Due to factors such as these, reversing onto or off Mill Road would be inherently unsafe, resulting in an undue risk of collision with other vehicles and of causing accidents by distracting other motorists. Such movements would also result in hazard for pedestrians due to vehicles crossing the footway. This harmful effect would be contrary to the aim of London Borough of Hillingdon Unitary Development Plan (Adopted 1998) Saved Policies, 27th September 2007, Policy AM7 (ii) that permission should not be granted for development that would be likely to prejudice conditions of general highway or pedestrian safety.
 5. The Appellant claims that the hardstanding does not need planning permission. It is also indicated that it is already being used every day for car parking and has been for at least 12 years. However, the use of this space has taken place without the benefit of a dropped kerb to access Mill Road. Moreover, the
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Council has served a section 184 notice under the Highways Act 1980, which means that using the hardstanding by crossing the footway would be an offence liable to a fine. As a result, existing and historic use of the hardstanding would not be a sound reason for granting permission for a dropped kerb.

6. It is indicated that when parking in the road the owners vehicles have been damaged by passing cars and buses and also suggested that this has been caused by limited road width. The claim of vehicle damage is supported by the comments of a local resident who also points out that the proposal would aid the free flow of traffic. However, there is no technical evidence to support the claim regarding road width which seemed to me to be fairly adequate as I saw buses and HGVs passing parked cars at my site visit. In any event, the Appellant has not disputed the suggestion of the Highways Officer that rear access to the property could be achieved through the garage block at the back. This would remove any need to park in the road.
7. The Appellant points out that a previous application in 2012 for the crossover was only refused because of the lack of an adequate pedestrian refuge and this has been addressed. Existing crossovers in the vicinity are also identified and the Council reports on the application at 22 Mill Road and the original application at 14 Mill Road have been submitted. It is suggested that the number of crossovers nearby, including that approved at no. 22, have set a precedent that should be followed by allowing the appeal.
8. It is accepted that there are a number of hardstandings nearby served by dropped kerbs where there is no turning space within the property. However, with the exception of no. 22, I do not have the background to these other cases. As a result, it is not known whether any of these have planning permission and, if so, why it was granted.
9. Planning permission was granted for a crossover at 22 Mill Road in 2015. It is accepted that the situation is similar to the current proposal. It is also acknowledged that the Council's only concern regarding the previous application at the appeal site has been addressed. Nevertheless, neither of the reports on these applications include any consideration of the effect of the resultant reversing movements. I do not therefore consider that these decisions should be used as a precedent to justify a proposal that would be detrimental to highway safety, which because of the potential for injury or worse is a particularly important consideration.
10. The dropped kerb would have no significant effect on the character and appearance of the West Drayton Green Conservation Area, which would be preserved. I have taken account of all other matters raised, including the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document, Residential Extensions, December 2008. Nevertheless, it is concluded that there are no other considerations sufficient to justify accepting the proposal and because of the adverse impact on highway safety it is decided that the appeal fails. In reaching this decision I have had particular regard to the personal safety of the Appellant.

M Evans

INSPECTOR