

Appeal Decision

Site visit made on 22 May 2018

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2018

Appeal Ref: APP/R5510/D/18/3197971

38 Dawley Road, Hayes UB3 1NB

- 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 Mr Charan Sethi against the decision of the London Borough of Hillingdon Council.
 - The application Ref 63951/APP/2018/121, dated 9 January 2018, was refused by notice dated 6 March 2018.
 - The development proposed is for the creation of a vehicular access.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon highway and pedestrian safety.

Reasons

3. The appeal site comprises a mid-terraced house situated on a busy classified Road with quite fast moving vehicles. There are multiple hardsurfaced front garden areas within the locality, including those cited by the appellant, although not all of these benefit from dropped kerbs and I have been provided with no planning history on these.
4. I noted on my site visit that there are parking restrictions within the road prohibiting parking on-street between the hours of 8am and 6.30pm Monday to Saturday. Furthermore there is a bus stop serving the 696 and U4 services which is located directly outside the appeal site. At the time of my site visit individuals were queuing on the adjacent pavement in front of the appeal site for a bus to arrive. Indeed, when it did arrive, the bus blocked the southbound carriageway and significantly restricted visibility from the appeal site when looking in a northerly direction. I therefore consider that the site is in a sensitive location in terms of both highway and pedestrian safety; and that the addition of a further access could compound the likelihood of conflicts between vehicles either accessing or egressing from the appeal site and both pedestrians utilising the adjacent footway and vehicles utilising the public carriageway.
5. In addition, whilst I note that the appellants own vehicle could be parked within the front garden area, contained within the confines of the appeal site, I did see other examples further north along the street where certain vehicles were

overhanging the adjacent public footway and which was causing, to some degree, an obstruction to passers-by. The dimensions of the car parking space would fail to comply with the minimum standards as set out within Annex 1 of the Hillingdon Local Plan: Part 2 – Saved UDP Policies (2012). As the occupation of dwellings can to some degree be transitory and the size of a vehicle utilising the parking space owned either by existing or future occupants could well be of greater dimensions, and therefore could cause more conflict with pedestrians than would currently be the case.

6. I acknowledge that the Manual for Streets highlights that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily-trafficked roads based on their data search of 20 sites. I have been given no substantive reason to come to a different conclusion on this, however, each case must be assessed on its own merits and the presence of the bus stop is a significant determining factor that weighs against the appeal proposal and the greater chances for conflict between road users that could ensue. Therefore, whilst the proposal would not result in a significant increase in the amount of vehicles entering the road, I am not convinced that the provision of an off-street parking space would result in a significant improvement to highway or pedestrian safety for the above reasons, and it has not been made clear why the proposed creation of an off-street parking space would result in a betterment to the existing situation. This is notwithstanding the fact that I acknowledge that paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Nonetheless, I consider this to be a material consideration that does not outweigh the Development Plan pursuant to Section 38 (6) of the Planning and Compulsory Purchase Act 2004.
7. Consequently I consider that the proposed development, by virtue of its proximity to the adjacent bus stop, including the tendency for bus users to congregate outside the appeal site when waiting for a bus, in addition to the insufficient depth of the off-street car parking space proposed, is contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part 2 – Saved UDP Policies (2012) which state that the Local Planning Authority will not grant permission for developments whose traffic generation is likely to, amongst other things, prejudice conditions of general highway or pedestrian safety and require developments to comply with the adopted car parking standards as set out by Annex 1 therein.

Conclusion

8. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR