



APPEAL STATEMENT

**SECTIONS 78 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (AS AMENDED)**

**APPEAL AGAINST THE REFUSAL OF PLANNING
PERMISSION BY LONDON BOROUGH OF HILLINGDON**

APPEAL SITE: 38 DAWLEY ROAD, HAYES

APPELLANT: MR CHARAN SETHI

APPLICATION REFERENCE: 63951/APP/2018/121

PREPARED BY: LRJ PLANNING LTD

DATE: MARCH 2018



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Appendix A –Refusal Decision Notice

Appendix B – Photographs of vehicular access points at Nos 44, 46, 48, 50, 54, and 58 Dawley Road

Appendix C – Photographs of appellant's car parked at the front of appeal property



1 AUTHOR'S BACKGROUND

- 1.1 My name is Lloyd Jones. I am a Chartered Town Planner and I hold a degree in City and Regional Planning from Cardiff University. I am a member of the Royal Town Planning Institute and prior to establishing LRJ Planning I worked in Local Government for 16 years dealing with a range of applications from householder schemes to major residential development.
- 1.2 The evidence which I have prepared and provided for this appeal is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.



2 INTRODUCTION

- 2.1 This Appeal Statement has been prepared by LRJ Planning on behalf of Mr Sethi in support of an appeal against the decision of the London Borough of Hillingdon to refuse planning permission (planning reference: 63951/APP/2018/121) for the following development at 38 Dawley Road, Hayes:

“Installation of vehicular crossover to front”

- 2.2 The application was validated by the Council on 10th January 2018. The application was determined under delegated powers where it was refused on 6th March 2018 for the following reasons.

“1. The proposal, by reason of the increase in the number of potential conflict points along the road and the siting of the crossover and its proximity to the adjacent bus stop on Dawley Road, would result in vehicles reversing onto/from Dawley Road to the detriment of the safe and efficient operation of the bus stop, the free flow of traffic and highway and pedestrian safety contrary to Policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

2. The proposal, due to the insufficient depth of the proposed off street car parking space, would result in vehicles protruding onto the public footpath, causing an obstruction to pedestrians to the detriment of highway and pedestrian safety contrary to AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.”



2.3 A copy of the decision notice is attached at **Appendix A.**



3 APPEAL SITE LOCATION AND PROPOSAL

- 3.1 The appeal property comprises a two-storey terraced property set back off the edge of the footway. The neighbouring properties are of a similar design and benefit from parking areas fronting Dawley Road. It is also evident that Nos 44, 46, 48, 50, 54, and 58 Dawley Road that have similar depth parking areas to the appeal property benefit from dropped kerbs. The photographs exhibited at **Appendix B** corroborate this. A bus stop is positioned towards the front of the appeal property.
- 3.2 The proposal relates to the provision of a vehicular access off Dawley Road. The proposed parking area measures 4.5m by 5.25m and will enable the appellant to park his car safely within the curtilage of his property. The vehicular access will be identical to those at neighbouring properties.



4. PLANNING POLICY CONTEXT

- 4.1 On 27th March 2012, the Government published the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and sets out how they are expected to be applied. The NPPF took immediate effect.
- 4.2 Paragraph 2 of the NPPF states that *"Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."* The plan-led approved approach to development as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004. In addition, the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions, as are previous planning decisions and appeals.
- 4.3 Paragraphs 6 and 7 confirm that the purpose of the planning system is to contribute to the achievement of sustainable development, which comprises economic, social and environmental dimensions. The roles of the planning system need to be read in conjunction and *"therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system."*
- 4.4 The NPPF introduces a presumption in favour of sustainable development, which is seen as "the golden thread running through both plan making and decision making." Paragraph 11 reaffirms that *"applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise."*



- 4.5 In respect of the presumption in favour of sustainable development, Paragraph 14 identifies that development proposals which accord with the development plan should be approved without delay and importantly:

“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *Specific policies in the framework indicate development should be restricted.”*

- 4.6 Paragraphs 186 and 187 of the NPPF relate to decision making and confirm that Local Planning Authority’s *“should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.”*

- 4.7 The Courts have held that Central Government’s policy is a material consideration that must be taken into account by the decision maker, as are relevant appeal decisions.

- 4.8 The development plan pertinent to the appeal site and the development proposal comprises the Hillingdon Local Plan: Part Two – Saved UDP Policies and the Council’s Supplementary Planning Document HDAS: Residential Extensions.

Hillingdon Local Plan: Part Two – Saved UDP Policies

- 4.9 Policy AM7 identifies that the local planning authority will consider whether the traffic generated by proposed developments is acceptable in terms of the capacity and functions of existing and committed principal



roads only, and will wholly discount any potential which local distributor and access roads may have for carrying through traffic.

- 4.10 Policy AM14 states new development will only be permitted where it is in accordance with the Councils Adopted Car Parking Standards as set out in Annex 1.

Supplementary Planning Document HDAS: Residential Extensions

- 4.11 The HDAS provides guidance relating to the provision of parking areas at the front of properties.
- 4.12 The statement of case at section 6 will demonstrate how the proposal complies with the current and emerging planning policy



5. MAIN PLANNING CONSIDERATIONS

5.1 I am of the opinion that the principal consideration relating to this appeal is:

- The effect the development will have on highway and pedestrian safety.

5.2 The reason for refusal is considered in depth below. In the first instance it is considered that the proposal would comprise sustainable development as defined in the NPPF. Additionally, it is the appellant's grounds of appeal that there are no significant adverse impacts that would outweigh the presumption in favour of sustainable development. The concerns raised by the Local Planning Authority regarding the impact on highway safety are not accepted by the appellant.

5.3 Overall, as the proposed use represents sustainable development, there is presumption in favour of it, unless there are compelling reasons why planning permission should not be granted.

5.4 Section 6 of this appeal statement will address the above consideration and set out the appellant's case.



6. STATEMENT OF CASE

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i) Highway and Pedestrian Safety

- 6.1 As described at the outset a common feature within this area is that dwellings within the vicinity of the appeal property benefit from vehicular access points off Dawley Road that enable cars to be parked off the highway. Additionally, it is evident that the neighbouring properties at Nos. Nos 44, 46, 48, 50, 54, and 58 Dawley Road that have the same sized parking area. The Council has failed to take this into account. The photographs provided at **Appendix B** support this. The Council has therefore failed to take account of the adjacent vehicular access points and the precedents that have been set within the immediate vicinity. Moreover, it is noted that the Council's Highway Officer identifies that the proposal is likely to cause conflict, but no objective analysis is offered.
- 6.2 The overall purpose of the scheme was to ensure that that the appellant can ensure safe means of access off Dawley Road, as well as being able to safely egress on to Dawley Road. The overall purpose of the scheme was to ensure that that the appellant could park the car at the front of the house, as is the case at neighboring properties that do not have the desired 4.8m. As evidenced at **Appendix C** the appellant is able to park a family sized vehicle without overhanging the footway (it should be noted that the appellant does not use the parking area, but the photograph was taken purely for the purposes of this appeal).
- 6.3 Additionally, the Council has failed to have due regard to Manual for Streets (MfS). Paragraph 7.9.5 of MfS is particularly relevant as it refers to research on the relationship between traffic flow and road safety with direct frontage access and identifies the following:



“Data on recorded accidents and traffic flow for a total of 20 sites were obtained. All of the sites were similar in terms of land use (continuous houses with driveways), speed limit (30 mph) and geometry (single-carriageway roads with limited sideroad junctions). Traffic flows at the sites varied from some 600 vehicles per day to some 23,000 vehicles per day, with an average traffic flow of some 4,000 vehicles per day. It was found that very few accidents occurred involving vehicles turning into and out of driveways, even on heavily-trafficked roads.”

- 6.4 In the case of the appeal proposal, it is evident that traffic speeds are below the 30mph speed limit. Due to the above research, as well as the limited daily movements that will arise from the vehicular access serving one dwelling, the proposal would not result in a significant increase in the amount of vehicles entering Dawley Road. Given the residential nature of the area, as well as the presence of existing vehicular accesses, as acknowledged by the Council, it is extremely likely that users of Dawley Road, including buses will be fully aware of vehicles egressing from properties. The Council has failed to take this into account, which should weigh in favour of the proposal. Moreover, the provision of an off-street parking will result in a significant improvement to highway and pedestrian safety.
- 6.5 The Council has failed to robustly demonstrate how the proposal would lead to a detrimental impact on highway and pedestrian safety, and have provided no evidence of any accidents that would contradict the research that informed Manual for Streets. The presence of the footway and street lighting will also ensure that the proposal would not have a detrimental impact on highway and pedestrian safety.
- 6.6 The reasons for refusal also focuses on the potential to impact on the effective movement of the bus service. Be that as it may, but the



vehicular access will only serve one dwelling. As a result, it is contended that the additional movements generated utilising this access, which will be in the region of two to four a day will not increase the intensity of the vehicular movements on to the highway that justified the refusal of the application on this basis.

- 6.7 Finally, paragraph 32 of the NPPF identifies that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. For the reasons provided above, the proposed creation of off-street parking will result in betterment to the existing situation and the residual cumulative impacts are clearly not severe.
- 6.8 There are compelling reasons that the appeal should be allowed, and the Council has failed to provide any cogent evidence to demonstrate that the vehicular access would materially harm highway safety and the free flow of traffic. Accordingly, the proposal is compliant with the NPPF, policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.



7 CONCLUSION.

- 7.1 The proposal replicates the accesses provided at neighbouring properties and the wider vehicular access would ensure that the appellant can access/egress the appeal property in a safe manner. The proposal would result in significant improvements to highway and pedestrian safety
- 7.2 Research provided in Manual for Street identifies that very few accidents are caused by vehicles turning into and out of driveways, and the Council do not offer any evidence to contradict this. Indeed the proposal replicates the accesses provided at neighbouring properties, so users of this part of Dawley Road including buses would be fully aware of vehicles egressing from driveways. In addition, the appellant's family car can be accommodated safely within the curtilage of the property without overhanging the highway. Overall, the proposal would not materially impact on highway safety or the free flow of traffic.
- 7.3 The proposal accords with the NPPF, policies AM7 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.
- 7.4 The appellant, therefore respectfully requests that planning permission is granted for the vehicular access.