

Statement of Case

Appeal against APP.REF.No: 22181/APP/2019/319

Installation of vehicular crossover at

204 Victoria Road, Ruislip, HA4 0AP

Date: 19/06/2019

Summary

The LPA's decision to reject the planning application for a vehicular crossover, at 204 Victoria Road, Ruislip, HA4 0AP, can be summarised under two categories, listed below:

- A. Impact to traffic and pedestrian safety, and**
- B. Impact to character and street scene.**

Policies sighted to reject proposed plan

The planned vehicular crossover was found by the LPA to be in violation of six policies. These six policies constitute the two categories stated above. The below table maps the policies to the two categories.

#	Category	Policy
A.	Impact to traffic and pedestrian safety	1. AM7 Consideration of traffic generated by proposed developments 2. AM14 New development and car parking standards 3. Supplementary Planning Document (SPD) HDAS
B.	Impact to character and street scene	4. BE13 New development must harmonise with existing street scene 5. BE19 New development must improve or complement the character of the area 6. BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

Conclusions drawn from Category A, and response

The planning officer has considered the risk posed by the proposed vehicular cross over on traffic & pedestrian safety, via policies such as AM7, AM14, and (SPD) HDAS, and concluded that the proposed vehicular cross over will present “unacceptable harm” to traffic and pedestrian safety.

<Please refer to Officer Report pg4-pg5>.

My response: I understand LPA’s approach in the assessment; however, I feel that their conclusion and risk posed is greatly exaggerated.

According to the officer, the adverse conditions that don’t conform to the policies and hence pose a risk to Traffic and Pedestrian safety are shown below

- Poor visibility of oncoming traffic due to bus-stop, adjacent advertising panel & tree:
 - I disagree because,
 - ..the bus-stop is completely made of glass, and provides more than adequate visibility to the driver of a car parked on the hard-standing/drive way to view any on-coming traffic from the roundabout.
 - ..the advertising panel stands completely perpendicular to the hard-standing/ front of the house and makes little detrimental impact on visibility of oncoming traffic from my driveway.

*(The picture below, shows that there is enough visibility (**red-triangle shows field of view**) from the driveway on 204 Victoria Road all the way through to the roundabout on the far-end (on the right). Also, it shows that there is little to no impact to the field of view by the advertising panel on the bus-stop, as it is on a right angle (perpendicular) to the front of my neighbours (206 Victoria Road) house.)*



- ..the tree to the right of the bus-stop has been completely removed in the first quarter of this year by the LPA. Therefore, there is no impediment to visibility from the drive way. (see below picture)



- Difficulty in reversing in or reversing out from drive way
 - ▶ I disagree as there is more than sufficient room for the car to safely reverse in or out on to Victoria Road because,
 - ..except for Bus 114 (which comes every 11-12 minutes and stops for c.10 seconds, see picture on page 5 of this document) no other vehicles can stop/park on the bus-stopping area (marked by yellow box) which is directly adjacent to the proposed drop-kerb area at my residence. Hence, the driver of the car parked on my hard-standing/driveway will have uninterrupted view for a safe reverse manoeuvre on to Victoria Road. (Pictures in the above section support this section)
- (See the below picture that shows the path by which car will reverse in and out into the drop-kerb/hard-standing) **NB**-the tree, next to the bus stop, has been removed.



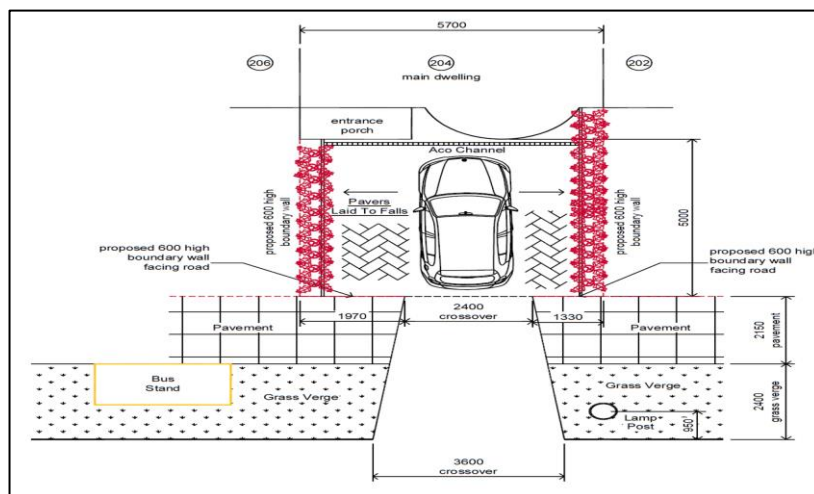
(See below, the picture shows the frequency of Bus Route 114. On average, Route 114 stops every 11-12 minutes, which averages to 5 -6 times every hour between 8am – 11pm – 2am(next day). This Bus service stops between 2am and 5am, and recommences at 5am with gradual increase in frequency from 5am)

114 Buses towards Ruislip									
Monday - Friday									
Midnight to 2am	5 to 5am	5 to 7am	7 to 8am	8am to 9pm	9 to 11pm	11 to 12pm			
At these minutes past the hour	08 23 38 53	08:34 08:13 06:51 07:22 07:12 07:44 07:55	07:07 07:22 07:12 07:44 07:55	about every 7-11 minutes	about every 10-12 minutes	about every 11-12 minutes	about every 10-12 minutes	about every 11-12 minutes	about every 10-12 minutes
2 to 4am	4 to 5am	5 to 7am	7 to 8am	8am to 9pm	9 to 11pm	11 to 12pm			
At these minutes past the hour	08 23 38 53	04:13 04:43 04:53 05:23 05:33 06:03 06:13 06:43 06:53	07:07 07:22 07:12 07:44 07:55	about every 7-11 minutes	about every 10-12 minutes	about every 11-12 minutes	about every 10-12 minutes	about every 11-12 minutes	about every 10-12 minutes
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- ..the area between the bus-stop and the roundabout consists of dropped kerbs for 208a Victoria Road, and 210 Victoria Road. Therefore, no vehicles can be parked (from the bus-stop all the way to the roundabout) giving the driver of the car parked on the drive way uninterrupted visibility of oncoming traffic from the roundabout before reversing in or out.
(See below picture, that shows both houses and the length of the bus-stop from the proposed plan site)



- ..according to the proposed plan <see Site plan, in supporting documentation> the height of my fence (with 202 Victoria Road) on the left (incl. curtilage) will be no more than 600 mm height. A 600mm high fence/wall will turn inwards (shown by the red-line in the drawing) forming the curtilage. While the maximum height of the fence on the right will be no more than 600 mm. Therefore, there is no impediment to visibility of traffic and pedestrians prior to reversing out on to Victoria road.
(below picture is from the site plan, that can be found in the supporting documentation)



Mitigating proposals:

In addition to the above, I would like to install a convex (Blind-Spot) mirror on the near street light post. This Blind-spot mirror will face to the right (towards the roundabout),

and will help any driver (incl. me, the bus-driver, and oncoming vehicles) gain a good view to support safe reverse manoeuvres in and out on to Victoria Road.

Cost: I will bear the expense of the cost (incl. purchase and installation).

(See below picture, that shows the look of the installation of the Convex Mirror to near street lamppost facing to the right)



(Below is an example of the convex Blind-spot mirror)



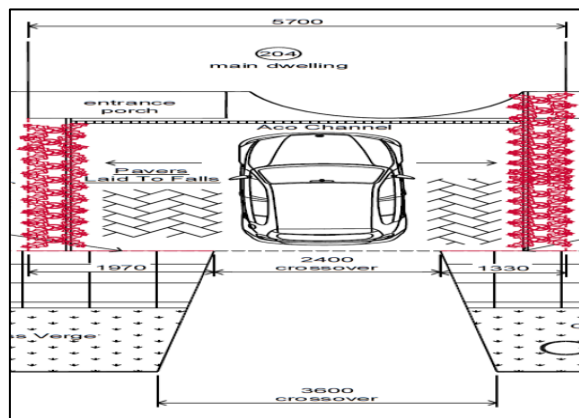
Conclusions drawn from Category B, and response

The planning officer has also considered the impact to the existing street scene by the proposed vehicular cross over, via policies BE13, BE19, and BE38, and concluded that there would be loss to character and appearance of the house and adjoining area. *<Please refer to Officer Report pg5>.*

My response: Although I understand the concern of the LPA expressed in this conclusion, I would to present the below challenges.

According to the officer, the adverse condition that don't conform to the above policies and hence impact the visual appeal of the area is shown below

- The proposed vehicular cross over will fully remove the front garden wall, and vegetation:
 - I disagree because,
 - the proposed plan submitted mentions the installation of planters on both side of the driveway/hard-standing *<see Site plan, in supporting documentation>.* This therefore ensures that at-least 25% of garden space is retained, compensating for the change in visual appearance.
 - as mentioned in section above *<see middle bullet point on page 5 of this document>.* the proposed plan submitted clearly demonstrates that there will be installation of curtilage on both sides of the driveway to the minimum height specifications. This therefore compensates for the loss of front garden wall and the overall appearance of the house and adjoining area.
- (see below picture of the Site plan that demonstrates the potential loss to the grass verge, and the planters that will be installed to compensate for the loss of the verge)*



Mitigating proposals:

I understand that the loss of the grass verge also impacts natural drainage for rain water. In addition to the installation of planters, I plan to remove the double garage (6m x 9m) in the rear-garden that will give us an additional 56 square meter (i.e. 580 square feet) of garden space. This will additionally compensate for the loss of natural drainage of rain-water, and aid to the overall greenery of the local area.

(See below picture, that shows the size of garden space (red-box) that will be achieved with removal of the double garage. In addition, one can appreciate this increase in garden space by looking at the garden space of 202 Victoria Road)



A precedent will be set, my response.

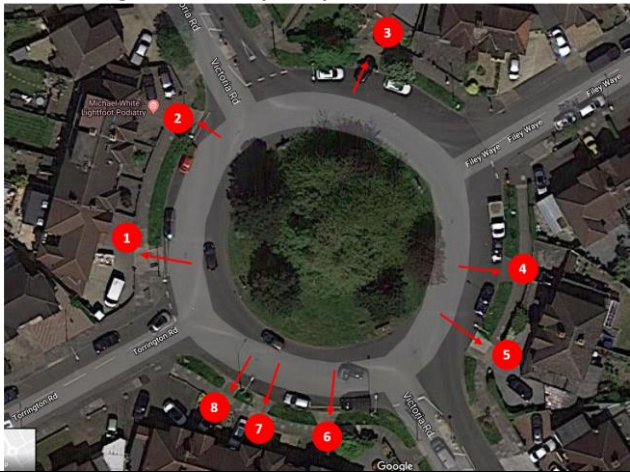
The officer also mentions in the report <see page 6 of Decision report> that installation of the drop-kerb would set a precedent and lead to a proliferation of drop-kerbs on Victoria Road.

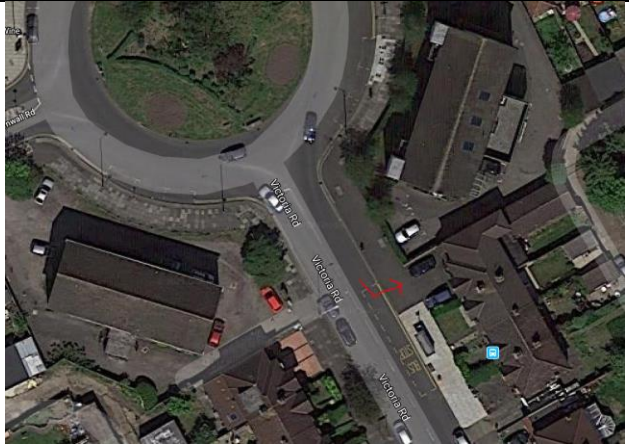
My response: I disagree, because the precedent has already been set by the LPA by allowing a large number of drop-kerbs on Victoria Road already.

The below table shows the number of houses that have a drop-kerb on Victoria Road

Type of houses on Victoria Road	With drop-kerbs
End of Terrace	151
Mid Terrace	21
Total	172

The below table shows the variety and range of houses on Victoria Road that have drop-kerbs (*especially in conditions that have been identified as detrimental to traffic, pedestrians and appearance*):

Houses ..	..with drop-kerbs	Addresses
..on the Victoria Road & Torrington Road & Filey Way roundabout	8	(1) 216 Victoria Road (2) 210 Victoria Road (3) 215 Victoria Road (4) 219 Victoria Road (5) 221 Victoria Road (6) 226 Victoria Road (7) 222 Victoria Road (8) 220 Victoria Road <i>(the below picture, sourced from Google maps, has all the 8 properties marked on them by numbers – showing their drive way's on the Victoria Rd/Torrington Rd/Filey Way roundabout)</i> 
..on or immediately after bus-stops (all bus-stops have advertising panels on them) and are near roundabouts as well.	4	(1) 133 Victoria Road <i>(marked with red arrow, see below, source from Google maps)</i> has a drop-kerb on a bus-stop and immediately after a roundabout



(See below an up-front view of the drop-kerb at 133 Victoria Road)



(2) 223 Victoria Road (marked with red arrow, see below, source from Google maps) has a drop-kerb on a bus-stop and immediately after a roundabout



(See below another up-front view of the drop-kerb at 223 Victoria Road)



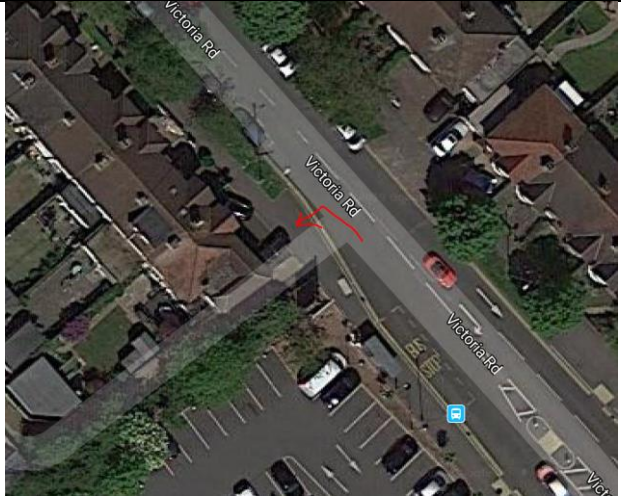
(3) 208a Victoria Road (marked with red arrow, see below, source from Google maps) has a drop-kerb on a bus-stop and immediately after a roundabout



(See below another up-front view of the drop-kerb at 208a Victoria Road)



(4) 428 Victoria Road (marked with red arrow, see below, source from Google maps) has a drop-kerb immediately after a bus-stop.

		 (See below another picture of the drop-kerb at 428 Victoria Road, that shows it very near the bus-top) 
..with drop-kerbs going over grass-verge.	3	(1) 196 Victoria Road (see below picture, sourced from Google Maps) that has drop-kerb on grass verge.  (2) 220 Victoria Road, and (3) 222 Victoria Road (marked with red arrows in the below picture, sourced from Google maps)

		 220 Victoria Road (see below picture, sourced from Google maps) that is a mid-terrace property that has a drop-kerb on a grass-verge.  222 Victoria Road (see below picture, sourced from Google maps) that is a mid-terrace property that has a drop-kerb on a grass-verge. 
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Conclusion: The above table shows that a wide variety of houses on Victoria Road have been given drop-kerbs in spite of prevailing conditions (such as, near roundabouts, adjacent bus-stops, and loss of grass-verges) that the Officer has identified as hazardous to reject my application for a drop-kerb.

Prior events & context

The below table narrates the sequence of events that occurred which have led to me installing a hard standing without planning permission.

Date	Event
7 January 2018	Application for drop-kerb made online via LPA website (Ref: 280-65185) <please see 1_Application of dropkerb.msg>
19 January 2018	Email from Highways Engineer (Gordon Johnstone) with Letter of acceptance and Cost Quote. <please see 2_204 Victoria Road Crossover Quote.msg> <Please see 3_204 Victoria Road Acceptance Letter.pdf> <Please see 4_204 Victoria Road Quote Letter.pdf>
20 January 2018	I respond to the Highways Engineer (Gordon Johnstone) with questions regarding payments, installation of hard-standing, and completion of drop-kerb installation. <Please see 5_20Janquery.msg>
29 January 2018	Response from Highways Engineer (Gordon Johnstone) <u>affirmatively requesting me to pay the quoted cost, and reminding me to send him the photo once the hard-standing has been installed.</u> <Please see 6_29January.msg>
4 April 2018	Paid the quoted amount for the construction of the drop-kerb to the LPA. <Please see 7_RefCP037704.pdf> <Please see 8_Receipt.pdf>
21 October 2018	Photo of completed hard-standing/drive way emailed to Highways Engineer. <please see 9_Pics of driveway.msg>
23 October 2018	LPA and Highways team ask for Planning Approval number. <u>Surprised at this request, I telephone them and inform them that I don't have this as I wasn't informed (with all the previous email communications) to apply for Planning. Also, I expressed my frustration as to why they took £1,428.15 for work that had not been approved?</u> A new Highways Engineer (Bharat Patel) sent me a scanned copy of a letter that was apparently posted to on 25 th January 2019 informing me that a Full Planning Application

	was necessary. <u>This never reached me, and neither can the LPA give proof of postage.</u> <please see 10_response from Engineer>
25 October 2018	New Planning application for drop-kerb submitted. Ref: 22182/APP/2018/3779
31 December 2018	Officer decision - Rejected
28 January 2019	A revised planning application (<i>addressing the risk points</i>) is re-submitted (<i>under the provision of one-free go for the applicant</i>). Ref: 22182/APP/2019/319
12 April 2019	Officer decision – Rejected NB: This is plan is being appealed.

As can be seen above, the communications between me and the LPA/Highways Engineer from January 2018 - April 2018 mislead me to believe that I had approval for a drop-kerb, and could proceed with building a driveway/hard-standing. It was not until October 2018, when time and money had been spent on installing a hard-standing that I was informed that I needed to retrospectively apply for Planning.

Today, one and half year since January 2018, we hope our plea for a drop-kerb is considered meritorious and genuine.

NB: The LPA has refunded the £.1,428.15 on 7 January 2019, that was incorrectly taken by them on 4 April 2018.

Other benefits of installing a drop-kerb

- Ease to access car in emergency: My wife (Dr. Insha Hamid Bhat) is a doctor and drives daily to Wexham Park Hospital Slough, SL2 4HL. As a doctor, she is required to make journey's to work/patients homes at odd hours. She having access to her car parked on our driveway, will be immensely helpful in dispensing her duties as a Medical/Healthcare Professional especially during emergency at odd hours. Please note, that between late-night and early mornings the frequency of use of bus-stop (N) for Route 114 is greatly reduced.
- Safety of vehicles owned by residents: On Victoria Road, there have been multiple attempts to either damage, break-into or steal vehicles parked on the road. These cars belong to residents who park on the road, because they do not have a drop-kerb. The risk of breaking-into, damage, or stealing parked cars will be greatly reduced by allowing residents of Victoria Road to park their vehicles on their driveway. Because cars parked on the drive-way are (more difficult to steal) in close proximity to residents, and therefore attempts to break-in/steal cars will be heard/caught by the residents.
(Below is a picture (on 27 July 2018) of an attempted break-into my Honda Civic (WK57 WOM) that I owned until December 2018 that I have now sold on. One can see the damage to driver-side door handle in order to break-in and steal the vehicle.)



(Below is a picture (on 3 February 2019) of an attempted break-into my wife's car (i.e. Mercedes A180-d, KF17 AXV) that was parked on Victoria Road. It can be seen, that a sharp-object was used to tare into the beeding of the front passenger side window.)



(Below are some pictures of vehicles (on 9 February 2019) which are owned by residents of 208 Victoria Road, that were damaged in attempt to break-in and steal items (mainly builder tools) while parked in front my house on Victoria road.)



Also, wing mirrors of vehicles are often damaged due to traffic moving very close to parked vehicles.

(Below is a picture of a car with a broken wing mirror that crashed into my vehicle (Honda Civic, WK57 WOM – which I have sold in December 2018)) on 12 August 2018. My vehicle's wing mirror was also broken, and the owner of the Toyota Prius paid for replacing the wing mirror.



Concluding statement:

After considering the...

- mitigating proposals in the site plan (e.g. fixing blind-spot mirror);
- additional building activity proposed (e.g. installing planters, removal of rear double garage);
- existing precedent (i.e. numerous drop-kerbs already exist on Victoria Road); and
- safety/security considerations for vehicles owned by residents of Victoria Road,

I hope that the Planning Inspectorate will concur with me on the merits of my appeal against the decision of the LPA on our planning application (i.e 22182/APP/2019/319).