
Appeal Decision

Site visit made on 20 September 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021.

Appeal Ref: APP/R5510/W/21/3275590

137 Long Lane, Hillingdon, Uxbridge UB10 9JN

- 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 Dr Peter Hing against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 46529/APP/2020/3909, dated 25 November 2020, was refused by notice dated 2 March 2021.
 - The development proposed is described as 'construction of a vehicle crossing to serve premises at 137 Long Lane, Hillingdon, UB10 9JN'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - i) The effect on highway and pedestrian safety;
 - ii) The effect on a tree covered by a Tree Preservation Order; and
 - iii) The effect on surface water run-off rates.

Reasons

Highway and Pedestrian Safety

3. The proposals would involve the creation of a vehicular crossover on a classified road, to allow the formation of a parking area to the front of the appellant's dwelling.
4. On my site visit I noted that Long Lane is a busy highway which experiences a continuous flow of traffic. The construction of the proposed access would inevitably interfere with the traffic flow. Vehicles would slow down to turn when entering the site from the south and would be stationary in the highway whilst waiting for a break in the traffic when accessing the appellant's dwelling from the north. This would cause conflict with vehicles on Long Road and this would be exacerbated by the proximity of the proposed access to the junction with Court Drive. On this basis, the proposal would have an adverse impact on highway safety.

5. I note that there would be clear visibility in both directions when exiting the site in a forward motion and vehicles using the proposed access would not be travelling at speed. However, the area of proposed parking within the applicant's front garden is limited in size and therefore would not allow for vehicles to both enter and leave the site in a forward motion. This would lead to vehicles either reversing into or out of the site into oncoming traffic. This would create conflict with both pedestrians using the footway to the front of the property and vehicles on the highway. Whilst I acknowledge that other properties in the vicinity benefit from similar vehicular crossings off Long Lane, these appear to be historic. As such, the proposal would constitute a hazard to pedestrians, cyclists and other drivers and would therefore fail to safeguard pedestrian and highway safety.
6. In conclusion, for the reasons described, the proposal would cause unacceptable harm to pedestrian and highway safety. The proposal is therefore contrary to Paragraphs 111 and 112 of the National Planning Policy Framework and Policies DMT1 and DMT2 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) (HLP2DMP) which, taken together, seek to ensure proposals safeguard pedestrian and highway safety.

Protected Tree

7. A mature oak tree sits within the appellant's front garden, which is covered by Tree Preservation Order No 157. Whilst none of the oak branches overhang the proposed parking area, given the size of the tree and proximity to this area, it is possible that the proposed parking area could fall within its root protection area (RPA). Given that a Tree Survey, or any such technical/professional assessment of the tree in relation to the proposal, has not been submitted in support of this scheme, I am unable to properly consider whether it would safeguard the protected oak tree. The proposal is therefore contrary to Policies DMHB11 and DMHB14 of the HLP2DMP which, taken together, require developments to safeguard existing trees.

Surface Water Run-off

8. Whilst the planning application submission did not confirm whether the proposed front parking area would include a permeable surface, as part of the appeal the appellant has submitted basic information regarding a drainage system which he considers would prevent unacceptable surface water running onto the highway. Given that the information submitted is limited, I cannot be certain that the proposed solution would be acceptable. Nonetheless, I am satisfied that if this appeal were allowed, a condition could be imposed which required details of a scheme to control surface water run-off rates from the site to be submitted and approved. On this basis, the proposal could meet the requirements of Policy DMEI10 of the HLP2DMP to 'make adequate provision for the control and reduction of surface water run-off rates'.

Conclusion

9. Whilst I am satisfied that the level of surface water run-off from the site could be controlled by condition, this would not outweigh the significant harm that I have found to pedestrian and highway safety. Also, the appellant has failed to produce sufficient evidence to demonstrate that the protected tree would be safeguarded as part of the scheme. Therefore, the proposal conflicts with the development plan as a whole and I conclude the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR