
Appeal Decision

Site Visit made on 15 November 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/R5510/W/21/3274425

170 North Hyde Road, Hayes, UB3 4NH

- 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 Godwin Glanville against the decision of London Borough of Hillingdon.
 - The application Ref 23934/APP/2021/165, dated 14 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is the construction of a new vehicle crossover (dropped kerb).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to the decision notice and appeal form, no confirmation that a change was agreed has been provided.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on highway safety and the free flow of traffic.

Reasons

4. From the information before me and my observations on site, which I appreciate are only a snapshot in time, the appeal site is located off a busy road. I saw that there were frequent pedestrian movements at the crossing and footway in front of the site, many of which were associated with the parade of shops opposite and nearby bus stops. The presence of railings on both sides of the road directs pedestrians towards the crossing point.
5. Vehicles manoeuvring out on to the road would not be unexpected given there are access points nearby with a similar arrangement to that proposed. Notwithstanding this, the appeal scheme would lead to vehicles reversing on and/or off the road, thereby limiting visibility for drivers, over or close to the pedestrian crossing adjacent to the site. While the number of vehicle movements would be limited, this would create an increased likelihood of conflicts arising between users and result in unsafe conditions for pedestrians.
6. The appeal site is closer to the crossing than the nearby accesses and therefore more likely to lead to conflicts. Accesses further along the road at 92, 93 and 94 North Hyde Road do not have a parade of shops close-by so would be

expected to have fewer pedestrian movements and less risk of conflict. Therefore, they are materially different to this scheme.

7. I saw there were a considerable amount of vehicle movements in both directions past the site. Nonetheless, there are a considerable number of access points along the road, several being closer to or a comparable distance to junctions. There is no clear evidence before me that this currently leads to significant disruption. This was reflected in my observations on site. Consequently, the scheme would not substantially affect the free flow of traffic.
8. Nonetheless, the proposed development would lead to significant harm to highway safety with regard to pedestrians. It would fail to accord with Policies DMT1 and DMT2 of the Part 2 Plan¹ where they seek to prevent significant adverse transport impacts, maximise safe accessibility and ensure safe vehicular access is provided.

Planning Balance and Conclusion

9. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
10. I am sympathetic to the needs of the appellant and their desire for a convenient parking space. The proposal would allow them to park in front of their house, preventing the need to look for on street parking further away. Nevertheless, while there are some parking restrictions along North Hyde Road and other nearby streets, there were also sections where on street parking was available. No compelling evidence has been put to me to indicate that there is a lack of on street parking available.
11. I am unable to conclude that the appeal scheme would be the only solution to meeting the appellant's requirements, or that the harm could be overcome by imposing planning conditions. This reduces the weight I afford to the benefit arising from the proposal. The absence of harm regarding air quality is a neutral factor.
12. Moreover, the planning system operates in the wider public interest which has legitimate aims of upholding the purposes of planning policies. I have found that the proposal would result in significant harm to highway safety, being contrary to Policies DMT1 and DMT2 of the Part 2 Plan. This outweighs these personal matters, and any others that weigh in favour of the scheme. It is a proportionate and justifiable reason to dismiss the appeal.
13. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Therefore, for the reasons given above, the appeal is dismissed.

Stuart Willis

INSPECTOR

¹ Hillingdon Local Plan Part 2 Development Management Policies