
Appeal Decision

Site visit made on 4 October 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/R5510/D/22/3304526

146 Swakeleys Road, Ickenham UB10 8BA

- 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 Kooner against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76229/APP/2022/898, dated 16 March 2022, was refused by notice dated 12 May 2022.
 - The development proposed was originally described as 'construction of in and out driveway'.
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Decision

1. The appeal is allowed and planning permission is granted for installation of a vehicular crossover at 146 Swakeleys Road, Ickenham UB10 8BA in accordance with the terms of the application Ref 76229/APP/2022/898 dated 16 March 2022 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3251-SK1, 3251-2-03, 3251-2-04 and 3251-2-05.

Preliminary Matter

2. The description of development in the banner heading above is taken from the planning application form. However, a different wording has been entered at part E of the appeal form. As this reflects the description stated on the Council's decision notice and I consider it a more accurate representation of the act of development proposed, I have determined the appeal on that basis and used this description in my formal decision.

Main Issue

3. The main issue is the effect of the proposal on pedestrian and highway safety.

Reasons

4. The appeal site includes a detached dwelling with hardstanding used for parking to its frontage. There is an existing vehicular access to the site close to the boundary with 148 Swakeleys Road which is served by a dropped kerb that also serves this neighbour. The appeal proposes a second vehicular access close to the boundary with 144 Swakeleys Road. This would be served by an extension of the existing dropped kerb that provides access to No 144.

5. There is no dispute between the main parties that the appeal site is less than 12m wide at the highway. The shortfall would be small, but the proposal would not therefore accord with the requirement within the Domestic Vehicle Footway Crossover Policy 2019 ('DVFC') for the property frontage abutting the highway to be at least 12m wide for a second crossover to be permitted.
6. Based on my observations at my visit however, turning vehicles within the site would be likely to be difficult given the dimensions of the site frontage, and would require multiple manoeuvres at the very least. This would not be convenient, and is likely to result in vehicles reversing either into or out of the site. As it passes the site, Swakeleys Road is a dual carriageway and Classified Road. At the time of my visit, I noted a fairly steady flow of traffic, and my impression was that most vehicles were travelling at or around the 30mph speed limit, if not faster. I acknowledge that this is only a snapshot, but given these conditions, it seems to me that there would currently be potential for conflict between vehicles reversing to or from the site and other highway users to the detriment of safety. The appeal proposal would provide for an 'in and out' arrangement that would enable vehicles to more easily enter and exit the site in a forward gear. In my judgement, this would be likely to reduce potential for conflict with other users of the highway and pedestrians in comparison to the existing arrangement, with an overall benefit to safety.
7. The proposed crossover would adjoin that of No 144 with no separation, but the width of the combined flat section to the crossover would not exceed the standards indicated within the DVFC for two adjoining crossovers, including where a new crossover is proposed to join an existing one. In addition, the likelihood of vehicles seeking to enter or exit the appeal site and No 144 at the same time would be very small given the size of the dwellings and parking areas so that the risk of conflict would be low. There would also be separation to the existing crossover on the site providing for a pedestrian refuge between the accesses, and this part of the street is relatively straight providing for good visibility. Consequently, I find that the combined width of the crossover would not result in any meaningful increase in potential for conflict with pedestrians, cyclists or other vehicles so as to harm safety.
8. I recognise that the proposal would not comply with the DVFC guidance on account of the width of the site frontage. Nevertheless, I find in this location and given the above factors that the proposal would not adversely affect safety for pedestrians or other highway users and the site could safely and suitably accommodate the additional access. I also agree with the Council's conclusions that there would not be harm to the character and appearance of the area or to neighbouring living conditions, and I have not been provided with firm evidence to show that there would be an unacceptable loss of on-street parking.
9. Accordingly, I conclude that the proposal would not cause unacceptable harm to highway or pedestrian safety. It would not therefore conflict with requirements within Policies DMT 1 or DMT 2 of the Local Plan Part 2 – Development Management Policies 2020 or Policy T4 of the London Plan 2021 that broadly seek safe and efficient vehicular access, and development that would have no significant adverse transport impacts and that would not increase road danger. I also find no conflict with the National Planning Policy Framework which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Conditions

10. In addition to the standard time limit condition, I have specified the approved plans for the avoidance of doubt and in the interest of certainty. Given the nature of the proposal, I do not consider it would be necessary to also require that the external materials would match those of the existing building, and I have not imposed the Council's suggested condition to this effect.

Conclusion

11. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR