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## Appeal Decision

Site visit made on 14 November 2016

**by Graeme Robbie BA(Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 November 2016**

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**Appeal Ref: APP/T5150/D/16/3156205**

**car park rear of 22-24, Connaught Road, London NW10 9AG**

- 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 Jim O'Reilly against the decision of the Council of the London Borough of Brent.
  - The application Ref 16/2414, dated 6 June 2016, was refused by notice dated 1 August 2016.
  - The development proposed is a detached garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on highway safety, with particular reference to the safety of drivers and pedestrians.

### Reasons

3. Connaught Road is a predominantly residential street, the prevailing pattern of development comprised of substantial pairs of semi-detached dwellings, between which narrow gated alleyways provide access to the rears of each pair. The appeal site is located to the rear of 22 and 24 Connaught Road, a pair of semi-detached dwellings that broadly follow this general pattern.
  4. However, the access to the area of land behind these dwellings differs from others in the street in one key aspect. The alleyway that provides access to the rear of Nos 22 – 24, which lies between Nos 24 and 26, rather than being gated with individual paths leading to the rear of each property, is un-gated and undivided. As a consequence, an alleyway access of approximately 2.2 metres in width exists between the dwellings, leading towards the rear of the plots.
  5. The main body of the appeal site is broadly rectangular in shape, enclosed by a mix of timber panel fencing and brick walls. At the time of my visit to the site it was heavily overgrown with undergrowth, shrubs and trees. Although the appellant refers to the site as having been used for car parking, and having previously had a building within the site, there was no evidence of such previous uses or structures at the time of my site visit.
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6. Although the proposed garage would form the site boundary with properties on Nichol Road, it would be sited such that it would be set in from the south-eastern, south-western and north-western site boundaries. The area to the front of the garage, between it and the north-western boundary, would be in the region of 5 metres in depth. It is not clear what the proposed boundary treatment would be along this boundary but the Council's contention that there would be insufficient space at the front of the garage to enable adequate manoeuvring of vehicles within the site seems to me to be accurate and well-founded.
7. With restricted space in front of the garage, the limited width of the access alleyway itself and an apparent pinch-point in the width of the access where it would enter the main body of the site, it has not been demonstrated how vehicles would be able to satisfactorily turn within the site. This could have been easily remedied by the appellant with the submission of vehicle tracking plans. I do not however have any such analysis before me, and I cannot therefore be certain that vehicles would be able to satisfactorily access the garages, or manoeuvre within the site.
8. Without the ability to do so, vehicles would have to either reverse into the site, or reverse out of it. Either way, the siting and location of the proposed garage within the site would result in complicated manoeuvres to get into, or out of, the main body of the site via the existing access alleyway. This would be compounded by the presence of on-street car parking on both sides of Connaught Road directly adjacent and opposite the alleyway entrance, thereby restricting the width of the usable carriageway to gain access to the alleyway.
9. Thus, I find that the proposed garage and its position within the site would result in insufficient turning and manoeuvring space for vehicles within the site. Together with the restricted width of the access to the site between 24 and 26 Connaught Road, the proposal would be inappropriate to the site's shape, location and setting, contrary to Brent Unitary Development Plan (BUDP) policy BE4, resulting in a proposal that would be prejudicial to highway safety and the safety of pedestrians.
10. The Council's decision notice also refers to BUDP policies BE2 and H15, and policy CP17 of the Brent Core Strategy. However, I find that these policies are not directly relevant to the nature of the proposal before me and I therefore give their provisions limited weight. However, this is not sufficient to outweigh the harm that I have identified above.

### **Other Matters**

11. I note the appellant's submission regarding the description of the use of the land within the appeal site. However, the appeal before me is made under section 78 of the Town and Country Planning Act 1990 (the Act), and it is not the role of such appeals to examine the lawful use of land. Indeed, it is open to the appellant to apply to have such matters determined under sections 191 or 192 of the Act, and any such matter would be unaffected by my determination of the current appeal.
12. I note the suggestion that the proposed garage could have been re-sited to allow greater space to the front of the garage. However, that does not form part of the proposal before me, which I have to consider on its merits. Concerns have also been expressed regarding the Council's handling of the

planning application. However, such matters are not matters that fall for me to consider, and I therefore give them very limited weight.

**Conclusion**

13. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Graeme Robbie*

INSPECTOR