

Appeal Decision

Site visit made on 21 June 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 06 July 2017

Appeal Ref: APP/T5150/W/17/3169122

Land to rear of 274 - 280 Kingsbury Road, London NW9 0BY

- 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 Ben Harvey, c/o Victoria Square Property Co Limited and Area Estates against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/2313, dated 29 May 2015, was refused by notice dated 23 November 2016.
 - The development proposed is erection of two-storey building comprising 4 no. self-contained flats with provision of 6 no. car parking spaces, secure cycle storage, bin store area, associated landscaping and new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on parking demand with particular regard to the living conditions of existing residents and highway safety.

Reasons

3. The appeal site comprises land to the rear of a mixed use development of commercial units at ground floor level with upper floor residential flats above. It is at the junction of Kingsbury Road and Roe Green, which are acknowledged to be busy distributor roads. The site is also adjacent to and would be accessed from Uphill Drive. This is undisputed to be a heavily parked street, which was also evident from my visit.
 4. The scheme would provide three parking spaces in connection with the proposed apartment building and three spaces to serve the existing mixed use development, two of which would be for transit sized vehicles associated with the commercial units. A short stretch of land at the edge of the site would also be gifted to the Council, to enable some on-street parking spaces on Uphill Drive that currently encroach onto the footpath to be formalised.
 5. The appellant states that the proposed parking arrangements would be able to satisfactorily accommodate any overspill demand that would arise as a result of the development going ahead. I have no reason to take issue with the level of parking provision being made to accommodate the proposed new building which would be close to the maximum standard. However, I am mindful that
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the parties do not dispute that the combined maximum car parking standard for the existing commercial use and flats would be some 12 spaces. Though a maximum standard, this is nevertheless indicative of the level of parking provision that may, subject to circumstances, be appropriate to serve a development of this type and scale. Furthermore it was apparent from my visit that the site at present would potentially accommodate more parking than is being allowed for as compensatory provision within the proposed scheme.

6. In this context, notwithstanding assertions within the documentation before me, about the level of parking that would be displaced from the site being acceptable and the support of the Council's transportation officers, I have not been presented with any assessment of the actual levels of parking that currently take place on the site or on Uphill Drive in order to form an accurate picture of the current level of demand. It is therefore difficult to arrive at a reasonable conclusion as to the number of vehicles that might be displaced as a result of the development going ahead. I am not persuaded on the information before me that the development would not result in the displacement of some vehicle parking from the site onto Uphill Drive.
7. In many situations this impact may be innocuous. However, taking into consideration that Uphill Drive is such a heavily parked street, the Council's recognition in the officer report that there is no capacity for on-street parking there and the parking restrictions in place in the wider area, in this case I consider it to be a key issue. I am unable to rule out that the development would result in further competition for parking space along Uphill Drive and that this would make it more difficult for existing residents there to find a parking space close to their home, forcing them to park significantly further away. This would, on the basis of the limited information before me, result in unacceptable inconvenience for residents and leads me to the view that there is a compelling justification to apply policies that seek to avoid the loss of on-street parking in order to manage the local road network.
8. I am mindful that protecting the living conditions of residents was not a specific reason for the Council refusing planning permission in this case. Nevertheless, the difficulty of finding parking spaces was a concern expressed by third parties.
9. In terms of highway safety, it seems to me that the curved configuration of Uphill Drive, combined with parking that takes place on both sides of the road would combine to reduce the speed of traffic along the narrow remaining carriageway there. I have not been made aware of any highway related accidents in Uphill Drive and have not been provided with any compelling evidence to suggest that displaced parking would result in greater harm to highway and pedestrian safety. Furthermore I accept that the gifting of land to the Council would enable some parking spaces that currently encroach onto the footpath to be formalised and pedestrian access eased. However this would only involve a small number of spaces and a relatively short stretch of the road and the highway and pedestrian safety benefits that would arise from this compared with the existing situation would, in my view, be modest.
10. From the information before me, I am unable to conclude that the proposal would not result in displaced parking that would harm the living conditions of residents on Uphill Drive due to a loss of convenient parking space. Neither am I able to conclude that the degree of that impact would not be severe.

Accordingly I find conflict with Policy DMP12 of the London Borough of Brent Development Management Policies 2016 insofar as it seeks to avoid additional on-street parking demand in streets that are already heavily parked in order not to create a shortfall in residents parking.

11. I have had regard to the National Planning Policy Framework (the Framework) which states that development should only be prevented on transport grounds where the residual cumulative impacts are severe. Whilst there would be some limited benefit to highway safety, for the reasons set out above, I cannot discount that the impact of the development on living conditions of existing residents would be severe. The modest benefits to highway safety would not therefore outweigh the harm I have identified.

Conclusion

12. The proposal would result in a small amount of additional accommodation, on previously used land, which would add to the choice and supply of housing, albeit that the contribution would be small. Furthermore I have no reason to dispute the visual quality of the development and that the site would be well located in relation to services and facilities. I give some weight to these considerations together with the modest highway safety benefits identified above.
13. However, I have found that significant displacement of parking, which cannot be ruled out based on the information before me, would cause significant harm to the living conditions of residents. I must take into account that the importance of securing a good standard of amenity for all existing and future occupants of land and buildings is recognised as a core planning principle within the Framework. I therefore attach significant weight to this consideration and on balance conclude, on the basis of the information before me, that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Accordingly the proposal would not be the sustainable form of development which has the support of national policy when assessed against the Framework and development plan as a whole.
14. I therefore conclude, having had regard to all other matters raised, that the appeal should not succeed.

Roy Merrett

INSPECTOR