

Appeal Decision

Site visit made on 28 June 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 11th July 2017

Appeal Ref: APP/T5150/D/17/3174882
19 Bridgewater Road, Wembley, HA0 1AQ

- 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 Nimesh Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/0475, dated 1 February 2017, was refused by notice dated 27 March 2017.
 - The development proposed is the installation of a vehicular access to front of dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a vehicular access to front of dwelling house at 19 Bridgewater Road, Wembley, HA0 1AQ in accordance with the terms of the application Ref 17/0475, dated 1 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping.
 - 3) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: DK-01A, DK-02A & DK-03A .

Main issues

2. The main issues are the effect of the proposed development on, firstly, highway safety and, secondly, the character and appearance of the surrounding area.

Reasons

Highway safety

3. The proposed access would be onto a London Distributor Road. Section 21 of the London Borough of Brent Domestic Vehicle Footway Crossover Policy (Revised Dec 13) states that '*it is desirable to minimise the number of new accesses (and associated stopping and turning manoeuvres) onto main roads in order to maintain their importance as traffic routes in the Borough's road hierarchy*'. There is an access road to the rear of the appeal property, from Manor Farm Road, and the Crossover Policy continues to state that '*where a property fronts a Classified Road and has or could have rear or side access, there will be a presumption against providing a crossover directly onto the Classified Road*'. This general presumption is also contained within Policy DMP11 of the London Borough of Brent Local Plan: Development Management Policies 2016.
4. I saw at my site visit that the rear access road is a narrow and in poor condition. It is land not shown on the submitted drawings as within the appellant's ownership or control, and appears to provide access to some areas of parking in a garage court behind Bridgewater Road/Manor Farm Road. Although it thus appears to be an access road used in some fashion, I acknowledge the appellant's submission that there is very limited space to realistically provide any access to the rear garden of No. 19; as also noted by the appellant, there is a boundary fence between the access road and No. 19's curtilage. Hence, on the evidence I have read and seen, I do not see this access road as serving a realistic alternative parking provision for the appellant.
5. In this instance I therefore consider that the usual presumption against new crossovers set out in the Crossover Policy should not apply. The Council have not provided any specific information relating to traffic movements or highway safety matters in relation to the appeal site or surrounding area as there is not a side access that does, or can, provide an alternative parking. On the basis of the evidence before me, I consider there are justifiable grounds to allow the provision of a crossover to Bridgewater Road, and that this would not be harmful to highway safety. Thus, no conflict would occur with the objectives of Policy DMP11, which seeks to ensure that the highway network operates efficiently and safely and new development does not lead to an adverse highway safety impact (paragraph 8.14 of the supporting text to the Policy).

Character and appearance

6. The appeal property lies within a suburban residential area, with houses set back from Bridgewater Road. The grass verge between the road and the houses contains a number of street trees, and has been crossed in many places by access drives.
7. Section 22 of the Crossover Policy requires 50% of the front area of the property to have 'soft' landscaping to allow for natural drainage. I saw at my site visit that the front area is currently entirely hard surfaced. The submitted drawings measure the front area as 34.03 sq m. The proposed layout shows a hard surfaced area totaling 13.44 sqm, which is 39.3% (nb the Council state that these figures include the grass verge in front of the property, but that is

not the case). The Council suggest a planning condition to secure the hard and soft landscaping, and so the exact treatment of the front area can be secured to ensure that a vehicle can park and access the front area, and secure the natural drainage objective of the Crossover Policy.

8. Section 18 of the Crossover Policy resists crossovers across highway verges that are greater than 3m in width. The submitted drawings show the crossover to be 3m in width so does not conflict with that requirement; the splays onto the kerbs at the front are small areas that would have no further visual impact on the integrity of the retained grass verge, and hence I consider the splays immaterial.
9. The proposed development would therefore not be harmful to the character and appearance of the wider area, and so would be consistent with the requirements of Policy DMP12 of the Development Management Plan and the Crossover Policy.
10. The appeal is therefore allowed. The Council have suggested a condition relating to landscaping at the front of the property, though the suggested wording is imprecise due to a reference to 'extension' and as there are no landscaping/planting details yet submitted by the appellant. I have therefore modified this wording to require details to be submitted of the front parking area to ensure the adequate provision of soft landscaped area, to allow for natural drainage as required by the Crossover Policy. I have attached a further condition specifying the relevant drawings as this provides certainty; as those drawings show the proposed crossover, there is no need for the Council's further suggested condition requiring submission of drawings showing a crossover.

C J Leigh

INSPECTOR