



Appeal Decision

Site visit made on 13 June 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 19 July 2017

Appeal Ref: APP/T5150/W/17/3171789

Princes Court, 55-57 Shoot up Hill NW2 3PX

- 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 Richard Jenkins against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5421, dated 15 December 2016, was refused by notice dated 3 March 2017.
 - The development proposed is described as remove the retaining wall around the raised planted bed in front of Princes Court. Please note this is the wall between the planted bed and our carriage Drive, not the front boundary wall of the site. Lower ground level for about 60 cm inside of that retaining wall to the level of the carriage drive and lay a new porous surface.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A previous proposal to remove the retaining wall and re-arrange parking to provide six spaces within the appeal site was refused by the Council in 2015 and dismissed at appeal in 2016 (Ref 15/2907). I have been provided with a copy of the refused plans and of the appeal decision letter (Ref APP/T5150/W/16/3142168) and have had regard to these insofar as they are relevant to the proposal.
3. The application form states that development started in May 2014. However at the time of my visit there was no evidence of any significant works having taken place and I have assessed the proposal as shown on the submitted plans.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site comprises a five storey block of flats and surrounding land including a one-way access drive off Shoot up Hill which serves both Princes Court and the neighbouring block of flats at Mapesbury Court. Vehicles enter the appeal site near to Princes Court and exit near Mapesbury Court. One side of the access drive is used for informal parking, with cars parking along the inner curve of the drive, adjacent to a low level retaining wall within the appeal

site. At the time of my visit seven cars were parked along the edge of the access drive within the appeal site including one parked very close to the site entrance off Shoot up Hill. Other cars were also parked further along the drive in front of Mapesbury Court. Shoot up Hill is a busy main road.

6. The proposal would reduce the number of available parking spaces within the appeal site to five, one of which would be along the curve of the access drive, by removing and re-locating a length of the existing retaining wall. The re-location of the wall would also increase the width of the part of the access drive affected by the proposal however the width would remain unchanged for the remainder of the drive in front of Mapesbury Court and at the site entrance off Shoot up Hill. No details have been provided as to whether the parking bays would be marked out and whether any means are proposed to prevent parking outside the proposed bays at the site entrance and if so, how this would be done.
7. I note that one less parking space is proposed than the previously refused application (Ref 15/2907) and that the first space would be located further away from the site entrance off Shoot up Hill. However the Council remains concerned regarding the length of the spaces, none of which appear to have the minimum required length of 6 metres despite the annotation on the submitted plan indicating that four of the spaces would have a length of 6.1 metres with the other having a length of 5.9 metres. The appellant has not submitted any evidence to counter the Council's claims regarding parking space length and in the absence of this I am not convinced that the proposed parking layout is practical and that it would not therefore result in vehicles entering the site having to wait at and potentially block the site entrance whilst vehicles attempt to manoeuvre into or out of the proposed parking spaces, particularly the one nearest to the site entrance.
8. In addition no mechanism appears to be proposed to prevent cars parking adjacent to the retaining wall at the site entrance. Cars parked here would restrict the access drive width and would be likely to need to reverse onto the off-site pedestrian footpath to exit the parking space. This would be likely to affect the free flow of traffic on Shoot up Hill, would pose a threat to pedestrian safety and would limit any highway safety benefits of improving the driveway width and of re-locating parking further into the site. I consider that such a mechanism could not reasonably be required by the imposition of a suitably worded condition.
9. Whilst I acknowledge that informal parking currently takes place at the appeal site and that the proposal aims to improve the existing situation, I have no information before me regarding the status of the existing parking, how many vehicles are usually accommodated and how long the parking has taken place. In the absence of this information and having regard to the existing unsatisfactory nature of vehicles parked at the site entrance near to the road, I consider that the existing arrangement does not justify the proposed parking layout. I also acknowledge that the proposal may ease parking for some including the elderly and disabled, would increase the width of the access drive for part of its length and would also improve access for emergency vehicles. However for the reasons stated, any benefits of the proposal would not outweigh the harm identified.

10. Taking the above matters into consideration, I conclude that the proposal would be likely to have a significant adverse effect on highway safety including pedestrian safety. It is therefore contrary to policies DMP 1 and DMP 12 of the London Borough of Brent Local Plan Development Management Policies and to paragraph 35 of the National Planning Policy Framework. These policies seek, amongst other things, to ensure that development is satisfactory in terms of parking and manoeuvring and creates safe and secure layouts which minimise conflicts between traffic and pedestrians.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR