



Appeal Decision

Site visit made on 20 November 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 13 December 2017

Appeal Ref: APP/T5150/W/17/3181773

1 Craigmuir Park, Wembley HA0 1NY

- 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 Gary Clark and Mr Ian Clark against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/0076, dated 9 January 2017, was refused by notice dated 8 June 2017.
 - The development proposed is a new two bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly, whether the proposed development would make adequate arrangements for car parking; and secondly, the proposed development's effects on the character and appearance of the streetscene.

Reasons

Site, Surroundings and Proposed Development

3. The appeal site comprises the side garden, access and garage of 1 Craigmuir Park, which is the end dwelling of a short two-storey terrace of properties addressing a cul-de-sac which runs more or less perpendicularly to Beresford Avenue. The immediate environs on the appeal site's side of Beresford Avenue are predominantly residential, though with varied styles and scales of property. The avenue has no strong building line, due in part to the orientations of dwellings around the junctions with the cul-de-sacs that spur from it. The proposed development would introduce a detached dwelling onto the appeal site of two-storeys which would use the existing access, parking and garage currently associated with No 1.

Parking

4. Craigmuir Park is a narrow cul-de-sac. Double yellow lines are present at Craigmuir Park's junction with Beresford Avenue, and these restrict parking to the front and side of No 1. The availability of on-street parking on Craigmuir Park is further restricted by the presence of numerous highway crossovers. I am mindful of the response of the local highway authority, which refers to an

overnight parking survey conducted by the Council, which found the cul-de-sac to be heavily parked with 17 vehicles occupying spaces on a street with a safe capacity for no more than 10. The overnight parking survey also found multiple incidences of vehicles obstructing the pavement. Moreover, I saw that despite the forecourt parking provided for some properties along Craigmuir Park, and the presence of garages to the rear, the cul-de-sac was heavily parked at the time of my late afternoon site visit. I saw also that due to the highway's narrowness this included numerous incidences of pavement parking. Whilst these observations are admittedly only snapshots they nevertheless add further support to the local highway authority's response in this regard.

5. Moreover, due to the low Public Transport Access Level rating of the locale there is a strong likelihood that its residents would be reliant on the private car to meet a large proportion of their transport requirements. Consequently, whilst mindful of the appellant's references to nearby shops, schools and recreational facilities, my observations on site and the submitted material lead me to the view that the ongoing residential use of No 1 would continue to require associated parking space.
6. The appeal scheme as presented would remove the parking available to No 1, and this could have the effect of pushing further demand for parking onto the already heavily parked cul-de-sac. Due to the constrained nature of the cul-de-sac and the existing levels of on-street parking along it, this additional demand would cause harm both to the living conditions of Craigmuir Park's occupants and to its highway safety due to increased competition for extremely limited space coupled with the propensity for pavement parking to push footway users out into the road. Consequently, these matters carry considerable weight against the appeal scheme in the overall planning balance.
7. The National Planning Policy Framework (the Framework) at paragraph 203 states that in making planning decisions consideration should be given to whether otherwise unacceptable development could be made acceptable through the use of conditions. Accordingly, I am mindful of conditions suggested by the appellant, and endorsed by the local highway authority in this case, which seek to implement a highway crossover and parking on No 1's front garden.
8. However, the front garden of No 1 is outside of the red edge boundary of the appeal site. Moreover, it is not clear from the material placed before me that the highway safety implications of parking arrangements so close to a junction, or the character and appearance effects of such a change have been assessed as part of the application by the Council or other parties- such as the occupants of adjacent dwellings- who may have an interest in the proposed development. Consequently, I consider that the suggested conditions would amount to a material change on which interested parties have not been adequately consulted as part of the planning process, and as a result it would be unreasonable to attach them in this instance. They would therefore not meet the test of reasonableness related to the imposition of planning conditions given in paragraph 206 of the Framework.
9. For these reasons, the appeal scheme would not make adequate arrangements for car parking, and as a result would conflict with Policy DMP12 of the Brent Local Plan Development Management Policies (Adopted November 2016) (the DM Policies) insofar as, amongst other things, it seeks to ensure that

development would not add to on-street parking demand on heavily parked streets, or otherwise cause harm to existing on-street parking conditions.

Character and Appearance

10. The appeal scheme would locate built development closer to Beresford Avenue than is on the plot at present. However, I saw that the amount of space between corner properties and the avenue varied in the immediate environs of the appeal site, including in the case of the house across Craigmuir Gardens, the two storey extension of which is close to the boundary with that thoroughfare, and that the plotting of corner properties along the Avenue is far from regular. Moreover, No 1, due to its corner position has an unusually large amount of amenity space in comparison with its neighbours, which have generally narrower plots. Furthermore, the Avenue lacks a strong building line along its length. Consequently, these considerations lead me to the view that the appeal scheme would neither read as an unduly cramped development nor reduce the openness of its site in variance with an established pattern. As a result the proposed development would not appear as an incongruous element in the streetscene.
11. Accordingly, I consider that the proposed development would avoid causing harmful effects to the character and appearance of the streetscene in these terms. I can therefore find no conflict with Policy DMP1 of the DM Policies; or the Design Guide for New Development Supplementary Planning Guidance (SPG 17) adopted October 2001. Taken together the policy and guidance seek, amongst other things, to ensure that development is complementary to its locality in terms of its siting, location and type.

Other Matters

12. The proposed dwelling could avoid adverse impacts to the residential amenity of the occupants of adjacent properties in terms of privacy, outlook and access to daylight and sunlight. However, these aspects of the proposed development are merely indicative of an absence of material harm in these regards, and therefore have only a neutral effect on the overall planning balance. Consequently, these matters do not alter my conclusions on the main issues given above.

Conclusion

13. The proposed development's siting and site coverage would avoid material harm to the character and appearance of the area. However, the harms that would be caused to highway safety and the living conditions of the occupiers of adjacent properties as a result of the on-street parking implications of the proposed development are matters that weigh considerably against the scheme and consequently tip the overall planning balance against its approval.
14. Moreover, as no material considerations have been advanced in this case that would outweigh the proposed development's consequent conflict with the development plan, I conclude, for the reasons set out above, and having regard to all other matters raised that the appeal should be dismissed.

G J Fort

INSPECTOR