
Appeal Decision

Site visit made on 20 November 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 19th December 2017

Appeal Ref: APP/T5150/W/17/3181879
251-253 Preston Road, Harrow HA3 0PS

- 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 Mustafa Karwan, Express Kenton Cars Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/0819, dated 13 February 2017, was refused by notice dated 26 April 2017.
 - The development proposed is change of use from A1 retail to minicab office Sui Generis.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I saw at my site visit that the change of use had taken place and a minicab office was operating from the site.

Main Issue

3. The main issue is the effect of the change of use on highway safety.

Reasons

4. The appeal site lies within a primary frontage along a Local Distributor Road immediately adjacent to Preston Road Station. The road is heavily trafficked and parking is limited due to the presence of a pedestrian crossing and zig zag lines and double yellows lines outside the station. There are bus stops on either side of the road close to the appeal site. Further along Preston Road, on street parking bays allow parking for a maximum of 2 hours between 0800 and 1830 Monday to Saturdays and no return within 2 hours. At the time of my site visit, parking was more or less at capacity in the area and traffic conditions were busy.
5. In their statement, the appellant's submit that the office would be operated 24 hours a day by a computerised internet and mobile controlled system that would allow drivers to be informed by radio at their last customer drop-offs as to where to go to pick up other customers. Ordering over the counter would also be available where customers would be able to walk into the office to order a minicab and the driver would then pick up the customer at a convenient spot. The appellant submits that this would ensure there would be no queuing or park and wait areas.

6. Whilst noting the above and that drivers would be registered with the appropriate authorities, I find that this may prove inconvenient to prospective walk in customers, particularly those with mobility problems, in inclement weather or during the hours of darkness. Given its location, in a prominent spot along a busy road and adjacent to the station, it is likely that the business will receive a high number of walk in customers. Despite the presence of enforcement controls in place outside the site, I consider that there is a realistic prospect of minicabs parking or stopping on the road outside of the site to facilitate pick-ups. Indiscriminate parking in the immediate vicinity of the appeal site would result in an obstruction to other road users. This in turn would result in potential conflict between road users in a sensitive location, adjacent to bus stops and a pedestrian crossing on a busy road, giving rise to problems of traffic management and road safety.
7. I therefore conclude the change of use would be detrimental to highway safety and find conflict with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (2016) which seeks, amongst other things, that development is satisfactory in terms of means of access for all, manoeuvres, servicing and does not have an adverse impact on the movement network.
8. I note that the Council has not raised any objections to the scheme in terms of its impact on residential amenity and I have no reason to take a different view. I have also had regard the appellants assertion that the retail unit was vacant and that there was no demand for a retail use. I also note that the principle of the change of use from A1 is accepted by Policy DMP2 of the DMP. However, these matters do not outweigh the harm to highway safety that I have found above.

Conclusion

9. For the reasons given above and taking all matters raised into consideration, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR