The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2018

Appeal Ref: APP/T5150/W/18/3200711
157A Holland Road, London NW10 5AX

- 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 James Alli against the decision of the Council of the London Borough of Brent.
- The application Ref 17/5235, dated 10 November 2017, was refused by notice dated 2 February 2018.
- The development proposed is described as '3m wide vehicle cross over. Plan Ref 17/032'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided a revised drawing, showing an alternative layout for the proposed vehicle crossover and parking space. The Planning Inspectorate's 'Procedural Guide: Planning Appeals – England' advises that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. I therefore consider the appeal on the basis of the proposal as submitted to and considered by the Council, as to do otherwise could prejudice those who may have wished to comment on the revised proposal.

3. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have given the main parties the opportunity to comment on this. No further comments have been received.

Main Issues

4. The main issues are:

    - the effect of the proposed development on the free and safe movement of vehicles and pedestrians within the site and its vicinity;
    - the effect of the proposed development on the living conditions of the occupants of nearby properties with regard to on-street parking availability;
    - the effect of the proposed development on the character and appearance of the appeal site and its surroundings; and

- whether satisfactory provision would be made for surface water drainage as part of the proposed development.

Reasons

Highway and pedestrian safety

5. The Council's Supplementary Planning Guidance Number 3: Forming an Access onto a Road (SPG3) advises that the depth of the hardstanding associated with any such access should be at least 4.8m. As agreed by the main parties, the proposed parking space would be 4.6m long, and thus shorter than the recommended depth. The rear of the space would be immediately adjacent to the appeal property's bay window and side boundary fence and, at the front, the space would be very close to a brick wall pillar on the frontage of 159 Holland Road, adjacent to the site boundary.

6. The proximity of the space to these existing structures, together with its limited depth and its shallow angle in relation to Holland Road, would present significant constraints to the ability to effectively manoeuvre a vehicle into this area. Given these constraints, and on the basis of the evidence before me, I consider that it would be difficult for a vehicle to enter or leave the space without multiple manoeuvres on the adjacent footpath or on Holland Road itself, even if drivers were to reverse into this area as the appellant suggests. The site is close to the junction with Ridley Road in one direction, and visibility in the other direction would be limited by any vehicles parked on Holland Road adjacent to the site entrance. Such manoeuvres would therefore present a significant potential hazard to the safety of vehicles in the vicinity of the site, as well as pedestrians on the adjacent footpath.

7. I note that vehicle sizes can vary, and have had regard to the suggestion that the size of vehicles owned by occupants of the property could be restricted. However, I have nothing before me by way of an undertaking to that effect, and little detail regarding how such a restriction could reasonably be imposed and enforced. Therefore, and given the constraints of the site I have identified, I cannot be certain that a vehicle could be parked in the space without overhanging the adjacent footway, or obstructing the pedestrian path leading to the property's entrance.

8. The appellant has indicated that a front boundary wall could be provided, to prevent vehicles from overhanging the footway. However, on the basis of the limited information before me, I cannot be certain that such a feature could be provided without presenting a further constraint to the effective manoeuvring of vehicles onto the site, or obstructing visibility along the adjacent footway.

9. I note that the property's bins are stored within the site's front garden at present, and the appellant's stated intention to provide an area for bin storage. However, I have nothing substantive before me regarding the form that this may take, or to demonstrate that such provision could be made in the limited area available without presenting a further constraint to the safe manoeuvring of vehicles within the site, and across the adjacent footway.

10. I have had regard to Policy 6.9 of the London Plan which, amongst other things, requires development to provide cycle parking facilities. However, the site has no external cycle storage at present, and no increase or intensification

in the use of the property is proposed. It would therefore not be reasonable to request such provision on the basis of the proposal before me.

11. However, for the reasons given above, I conclude that the proposed development would have a significant adverse effect on the free and safe movement of vehicles and pedestrians within the site and its vicinity. It would therefore conflict with Policies DMP 1 and DMP 12 of the London Borough of Brent Local Plan: Development Management Policies document (the DMP), and with the aims of SPG3. Amongst other things, these state that development will be acceptable provided it is satisfactory in terms of parking and manoeuvring, and that additional parking provision should not have negative impacts on existing highways.

12. My attention has also been drawn to the London Borough of Brent Domestic Vehicle Footway Crossover Policy V2. As this does not appear to be an adopted planning document, I afford it limited weight. However, I note that it nonetheless supports the general aims and requirements of the Council's adopted planning policies and guidance referred to above.

Living conditions – on-street parking

13. As a result of the proposed development, the length of the on-street parking bay between the site frontage and Furness Road would be shortened. The Council states that this would lead to a reduction in the number of available spaces from 6 to 5. However, even if the remaining length would still technically accommodate 6 vehicles as suggested by the appellant, the space available for drivers to manoeuvre around other parked vehicles and park in this area would be significantly reduced. There would therefore be an increased likelihood of substandard parking taking place, or of the spaces not being used to the full capacity suggested in the appellant's figures. In either event, the proposed development would lead to a reduction in the space available for parking on this part of Holland Road.

14. Whilst some properties on Holland Road close to the site have off-street parking, others do not. The Council has identified Holland Road as a heavily parked street, based on survey evidence. The figure cited by the Council is disputed by the appellant, and I note that the survey was conducted several years ago. However, I have nothing substantive before me to suggest that the situation has materially changed since the Council's survey was conducted, or that the street no longer experiences high levels of parking.

15. In this context, the reduction in the space available for on-street parking would increase the probability of nearby residents being unable to park, or having to park further from their homes. This would lead to a greater likelihood of inconvenience, uncertainty and potential anxiety for nearby residents with regard to parking, thus eroding their living conditions. Whilst the proposed development would provide a parking space, this would only be available to the residents of a single property. As such, it would not maintain the flexibility of an on-street bay, which could be used by any property.

16. Therefore, for the reasons given above, I conclude that the proposed development would have a significant adverse effect on the living conditions of the occupants of nearby properties with regard to on-street parking availability. It would therefore conflict with Policies DMP 1 and DMP 12 of the DMP which, amongst other things, state that development will be acceptable provided that

it is satisfactory in terms of parking, and that additional parking provision should not have negative impacts on existing parking.

Character and appearance

17. The soft landscaping proposed would not cover 50% of the front garden area, as required by the Council. However, as this area has very limited soft landscaping at present, the proposal would provide some enhancement in this respect, and would not adversely affect the appearance of the site in this case.

18. I have little detail before me regarding proposals for the provision of a front boundary treatment or bin storage area. However, I note that bins are stored to the front of the property, and that the site has no front boundary treatment at present. Therefore, notwithstanding my concerns regarding the effect of any such structures on the ability of vehicles to safely enter and leave the site, I have little reason to conclude that such measures would have significant visual implications.

19. For the reasons given above, the proposed development would not have a significant adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore not conflict with Policies DMP 1 and DMP 12 of the DMP, or with the aims of SPG3 which, amongst other things, state that development will be acceptable provided that it is of a layout and design that complements the locality, and require off-street parking to preserve a building's setting and provide adequate soft landscaping to offset adverse visual impacts.

Surface water drainage

20. The proposed parking space would be surfaced with permeable block paving, and new soft landscaping is proposed around it. This would be below the 50% soft landscaping required by the Council. However, as the front garden is small and has only limited soft landscaping at present. Therefore, and in view of the surfacing and landscaping proposed, I consider that the proposed development would not lead to a significant increase in surface water run-off in this instance.

21. The appellant has stated an intention to provide a drainage channel within the site to prevent surface water from discharging onto the adjacent highway. Whilst not indicated on the submitted drawing, I have nothing substantive before me to suggest that appropriate provision could not be made in this instance, particularly given the limited run-off which is likely to arise. I therefore consider that such details could be dealt with by planning condition.

22. For the reasons given above, I conclude that satisfactory provision would be made for surface water drainage as part of the proposed development. The proposal would therefore not conflict with Policies DMP 9 and DMP 12 of the DMP which, amongst other things, require new development to make provision for measures for the control and reduction of surface water run-off, and that off-street parking provides adequate soft landscaping, permeable surfaces and other treatments to offset increases in surface run-off.

Other matters

23. I note that several other properties in the vicinity of the site have off-street parking and dropped kerbs. However, I observed that there is some variation in the width and depth of property frontages, and noted several instances where

vehicles parked on those areas were overhanging the footway. In any event, I have considered the proposal on its own planning merits, and the presence of other vehicle crossovers and frontage parking areas in the vicinity does not dissuade me from my conclusions regarding the particular harm that would arise as a result of the proposal before me.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Jillian Rann
INSPECTOR