



Appeal Decision

Site Visit made on 6 August 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/T5150/W/19/3229557

Flat A, 48 Anson Road, London NW2 3UU

- 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 Miss Meenu Banndary against the decision of the London Borough of Brent.
 - The application Ref 18/3734, dated 27 September 2018, was refused by notice dated 12 December 2018.
 - The development proposed is to reconstruct the front garden to provide a parking space along with a dropped kerb for vehicle access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal, the appellant has submitted amended plans. The amended plans were not considered by the Council when it refused planning permission and have not been the subject of public consultation. For the avoidance of doubt, I have determined this appeal against the plans that formed the basis of the Council's refusal notice; Location and Block Plan dated 21/02/2018, and Existing and Proposed kerb plan dated 17/05/2018.

Main Issues

3. The main issues are:
 - Whether or not the proposed development would preserve or enhance the character or appearance of the Mapesbury Conservation Area, and
 - The effect of the proposal on the safe movement of pedestrians.

Reasons

Conservation Area

4. The appeal site is an end of terrace, two storey dwelling located close to the junction with Chichele Road and has been divided into three flats. To the west side of the appeal site is a pair of garages with hardstanding to the front of each. The rest of Anson Road consists of short terraces or detached dwellings. It is apparent there are number of differing house styles along Anson Road and this contributes to some dwellings benefitting from deeper front gardens. Boundary treatments to the front of the properties are largely uniform in

appearance made up of low brick walls and pillars with some hedgerows apparent.

5. The appeal site is located within the Mapesbury Conservation Area (CA), identified for its turn of the century town houses of high architectural quality with intricate detailing, and inter-war housing that follows a similar architectural detailing. Tree lined streets, landscaped frontages to many of the properties and mainly low brick boundary walls and pillars are distinctive features in the locality, which make positive contributions to the overall significance of this part of the CA.
6. The appeal site retains its original boundary wall, pillars and coping stones and there is landscaping within the existing front garden. Collectively, these attributes contribute positively to the aforementioned and distinctive character and appearance of the CA. I acknowledge that some walls in the area do appear to have been removed and that there are some car parking spaces to the front of some properties. I do not know the exact circumstances which led to the formation of such openings and the removal of walls. However, and in any event, the existence of such openings and car parking spaces is not the norm. When the proposal is considered as a whole, I consider that it would significantly erode the distinctive and positive features of the CA.
7. In addition to the above, The Mapesbury Conservation Area Design Guide June 2017 (Design Guide) advises on the retention of the original pedestrian pathway. This proposal would relocate the path to the western side of the frontage resulting in further disruption to the balance of the frontage of the appeal site. Consequently, this adds to the harm that would be caused to the character and appearance of the CA. In conclusion, and for the reasons outlined above, the proposal would not preserve or enhance the character and appearance of the CA. Whilst the harm to the CA would be less than substantial, taking into account paragraph 196 of the National Planning Policy Framework (the Framework), there are no identified public benefits which would outweigh such harm. I therefore conclude that the proposal would not accord with policies DMP 1 and DMP 7 of the adopted Brent Development Management Policies 2016; policy CP17 of the London Borough of Brent Core Strategy 2010 the Design Guide and the Design Guide which collectively seek to preserve or enhance heritage assets.

Safe movement of pedestrians

8. There is no dispute between the parties in terms of the principle of providing a car parking space to the front of the appeal property. The point of contention relates to the size of the proposed car parking space and whether or not some vehicles would overhang the pavement thereby obstructing safe pedestrian movements along the pavement.
9. The proposed car parking space would be less than the length of a standard car parking space for parking in front gardens, which is required to be 4.8m as stipulated in the Council's Residential Extensions & Alterations Supplementary Planning Guidance January 2019. Some vehicles parked in the proposed car parking space would therefore overhang the footway creating a pedestrian safety danger as this would reduce the width of the footway. This would be in the context that there are street trees along the footway that also reduce the width of the pavement in parts, and to some extent cause obstructions.

10. The appellant has confirmed that the driveway length they can facilitate is 3.8m. This corresponds with the Council's Domestic Vehicle Crossover Policy December 2013 and a Section 106 planning obligation (s106) is entered into to confine occupiers to a restricted vehicle dimension, in perpetuity. The Local Highway Authority are satisfied that subject to the completion of such an agreement, this would address any pedestrian safety concerns. However, I am not satisfied that it would be reasonable to restrict all future occupiers of the dwelling to a car of particular dimensions. Therefore, I have my doubts as to whether any such planning obligation would meet the test of reasonableness as outlined in paragraph 56 of the Framework. In any event, there is no completed planning obligation before me and hence there is no mechanism in place to address potential adverse impacts on the safe movement of pedestrians.
11. In the absence of a completed s106 planning obligation that meets all of the tests as laid out in paragraph 56 of the Framework, there is no mechanism through which the mitigation proposed can be secured. Consequently, the proposal would be contrary to the Brent Development Management policies 2016, DMP 1 and DMP 12 as it does acceptably manage the impact of parking.

Conclusion

12. For the reasons outlined above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Alison Scott

INSPECTOR