
Appeal Decision

Site visit made on 22 October 2022

by G Powys Jones MSc FRTPI

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

Decision date:

Appeal Ref: APP/T5150/D/20/3249653

61 Balmoral Road, London, NW2 5BH

- 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 Kulwant Singh Sandhu against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3889, dated 2 November 2019, was refused by notice dated 6 January 2020.
 - The development proposed is the rebuilding of boundary wall to enable installation of glazed roof structure to side elevation and associated new crossover and entrance gates to dwellinghouse.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the development on local on-street parking provision and on highway and pedestrian safety.

Reasons

3. The appeal property is an end of terrace dwelling facing Balmoral Road. It has a return frontage onto Buxton Road demarcated by a high brick-built wall, punctuated by a solid wooden gate. No crossover exists outside the gate. The development proposed involves the rebuilding of the wall, which would act as a support to a glazed structure that would be attached to the side of the dwelling's rear protrusion. A new gate would be installed and a vehicle crossover provided to serve a proposed car space in the property's rear amenity area.
4. The Council has no objection in terms of visual impact to the installation of the glazed structure or the rebuilt boundary wall and gate, for the reasons set out in the officer report. I have no reason to disagree with the officer assessment on these aspects of the proposal.
5. The Council's objections centre on the proposed access to the car parking space. The creation of the access/crossover would displace an on-street parking space in the road outside in an area where the on-street parking demand is high. Secondly, lateral visibilities from the access are considered deficient, having regard to the height of the pillars and wall either side of the gate.

6. The Council relies in part on a document entitled *Domestic Vehicle Crossover Policy*, but this does not appear to be adopted Supplementary Planning Guidance and there is no indication that it has been subject to previous public consultation. It therefore attracts limited weight in my considerations.
7. Policy DMP11 of the Brent Local Plan Development Management Policies 2016 (DMP) provides that the creation of an access to a highway will be acceptable on heavily parked streets where the proposal does not result in the loss of more than one on-street parking space. Since no more than a single on-street parking space would be displaced, the proposal is not in conflict with this criterion of the policy. Moreover, the creation of an off-street car space would reduce on-street demand.
8. Policy DMP11 also requires new accesses to be safe. Those emerging from the car space would not achieve any realistic lateral visibilities either way until their vehicle encroached onto the footway outside, thus potentially bringing them into conflict with passing pedestrians, including children.
9. To my mind, the proposal's design, with the gate set at the back of the footway with associated pillars and a high wall, renders the proposal potentially unsafe, particularly to pedestrians. I am less concerned as to lateral visibilities along the carriageway since these would be achieved once a motorist had emerged safely across the footway.
10. Accordingly, I conclude that the proposed access, if created, would prove unsafe, especially to pedestrians, including children. The development would thus materially conflict with that aspect of DMP policy DMP11 requiring new accesses to be safe and with that provision of DMP policy DMP1 requiring accesses to new development to be satisfactory.

Other matters

11. I have considered the personal statement submitted setting out the reasons why the car space is needed, but the personal/professional need for a car space should not, in my view, override public safety. However, my objection to this scheme is not one of principle, but of design. Such a car space could be achievable, in my view, with a revised design that appropriately caters for the future safety of passing pedestrians.
12. I noted the presence of other crossovers serving domestic car spaces in the vicinity of the appeal site. However, these appeared to me to be long established, probably preceding the adoption of the DMP policies to which I have referred.
13. All other matters raised in the representations have been taken into account, including the references to the National Planning Policy Framework, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR