



Appeal Decision

Site visit made on 11 May 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/T5150/W/21/3267789

225-227 Edgware Road, Kingsbury, London NW9 6LU

- 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 John McGowan against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/3654, dated 10 November 2020, was refused by notice dated 5 January 2021.
 - The development proposed is described as 'OUTDOOR SMOKING SHELTER TO THE REAR OF THE PUB AT 225-227 EDGWARE ROAD, LONDON NW9 6LU'.
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Decision

1. The appeal is allowed and planning permission is granted for outdoor smoking shelter to the rear of pub at 225-227 Edgware Road, Kingsbury, London NW9 6LU in accordance with the terms of the application Ref 20/3654, dated 11 November 2020, and the following plans: Location Plan, Existing Site Plan: PL-050-011 and Existing Elevations: PL-200-011.

Preliminary matter

2. The outdoor smoking shelter has already been completed and reflects the submitted plans.

Application for costs

3. An application for costs was made by Mr John McGowan against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and highway safety.

Reasons

Character and appearance

5. The appeal site comprises an end-terrace, three-storey property which forms part of a parade of commercial units along Edgware Road. The ground floor comprises a public house with its function room and residential accommodation along the upper floors.

6. The outdoor smoking shelter occupies a former yard to the rear of the public house and is bound by Wakemans Hill Avenue to the south, to the west is a service road and an electricity substation beyond this. These also separate the smoking shelter from the nearest dwellings along this road. To the north of the site is the adjoining property. The smoking shelter is mainly visible from along parts of Wakemans Hill Avenue.
7. The immediate built development near the site includes the substation and other extensions and outbuildings of a similar single-storey form in various finishes, located to the rear of the commercial premises along Edgware Road. There are also sections of fencing in a range of materials which enclose nearby yards.
8. In the above context, and despite being located on higher ground relative to the host building, the smoking shelter due to its single storey design and modest floor area is subservient in height and scale to the host property. It is also of a comparable scale and form to other nearby built development.
9. Due to its functional design, the smoking shelter incorporates space between the timber slats and open sections which give it a degree of permeability. Despite this, it is a solidly constructed and permanent structure. The timber slats are of a consistent appearance along all sides of the shelter and complement the range of materials found in the area.
10. For the above reasons, the development is of an acceptable quality which is settled within the varied streetscape of Wakemans Hill Avenue and therefore does not unacceptably harm the character and appearance of the area. As such, I find no conflict with the design aims of Policy DMP1 of the Brent Development Management Policies (2016) ('DMP') which amongst other things seeks developments that complement the locality.

Highway safety

11. The need for parking and servicing in the rear yard of the appeal property was established in the determination of previous planning applications 96/0692 and 97/0351. Notwithstanding this, I have considered the proposal before me on its planning merits having regard to the development plan. In particular, Policies DMP12 and DMP13 of the Development Management Policies (2016) ('DMP') require all developments to provide parking and servicing facilities in line with the Council's standards.
12. The appellant asserts that due to the change in levels within the appeal site and the limited width of the service road, the movement of beer barrels and other goods is difficult via the rear of the property and consequently the public house has never been serviced from the service road and/or the yard. Instead, that all servicing is carried out from a loading bay on Edgware Road, directly outside the host building. I have no strong reasons to refute these assertions.
13. Notwithstanding the construction of the smoking shelter an access from the rear of the host building is still retained which could facilitate some servicing via the service road. Accordingly, I conclude that the majority of the yard is not required for the operational needs of the public house, and that alternative, safe and convenient servicing arrangements are available in the form of the existing loading bay.

14. Despite the appellant's concerns over the size and manoeuvrability limitations of the yard, this was used for vehicle parking between 2017 and 2019, on an informal basis for the manager of the public house and therefore could be used for vehicle parking. Nevertheless, on the available information there does not appear to be any overriding need for vehicle parking provision in association with the public house. Indeed, the Council has acknowledged that the yard was used for outdoor seating prior to 2017. The appeal site is also within walking distance of bus stops along Edgware Road, which makes it accessible by public transport.
15. Whilst the yard could practically accommodate two vehicles, given the limited vehicle parking associated with the public house and its accessible location, I am not persuaded that the loss of the yard for vehicle parking as a consequence of the development has resulted in any significant parking stress along Wakemans Hill Avenue.
16. I am also mindful that in providing an outdoor smoking shelter the appellant is responding to changes in government legislation to meet the needs of some of the customers of the public house.
17. The Council suggests that the rear yard could accommodate vehicle and/or cycle parking in association with the sites existing uses. However, I have not been referred to any direct planning requirement for this arising from the proposal.
18. Based on the foregoing reasons, the proposal does not harm highway safety. I therefore find no conflict with the aims of Policy DMP12 of the DMP which along with other things supports car free developments in areas with high levels of public transport access and Policy DMP13 of the DMP which amongst other matters does not resist the loss of servicing facilities where these are no longer required to meet operational needs.

Conditions

19. As the development has already been completed, the standard commencement condition is not necessary.

Conclusion

20. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR