
Appeal Decision

Site Visit made on 27 July 2021

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/T5150/D/21/3267653

136 Hanover Road, London, NW10 3DP

- 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 Omar Syed against the decision of London Borough of Brent.
 - The application Ref 20/3429, dated 21 October 2020, was refused by notice dated 4 January 2021.
 - The development proposed is new vehicular and pedestrian gates to the street boundary of the property and an outbuilding at the rear.
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Decision

1. The appeal is dismissed insofar as it related to the new vehicular and pedestrian gates to the street boundary of the property. The appeal is allowed insofar as it related to the outbuilding at the rear and planning permission is granted for an outbuilding at the rear at 136 Hanover Road, London, NW10 3DP in accordance with the terms of the application, Ref 20/3429, dated 21 October 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, so far as relevant to that part of the development hereby permitted: Drawing Refs 36/202009/01, 36/202009/02, 36/202009/04-revA and 36/202009/05

Main Issues

2. The main issue in respect of the proposed outbuilding is whether the proposal is subservient and incidental to the main dwelling, with reference to local policy, while in regard to the new vehicular and pedestrian access gates, the main issues are the effect on (i) the character and appearance of the area, and (ii) pedestrian safety.

Reasons

Outbuilding - Subservience

3. The Brent Residential Extensions & Alterations Supplementary Planning Document 2 (the SPD) sets out guidance in respect of the size of outbuilding that will normally be permitted, i.e., within gardens over 100m², outbuildings of up to 30m² may be acceptable. The guidance also states that outbuildings should not include forms of primary living accommodation, such as shower rooms or toilets.

4. The proposed outbuilding would extend to 37m², in a garden of 137m². While I note the guidance of the SPD, I am conscious that the proposal would replace an existing outbuilding within the garden, and while larger than the structure it would replace, it would not appear overly large within the context of the extent of the garden. In addition, I was able to see an outbuilding in the garden of a nearby property, which appeared to be similarly scaled to that as proposed. Moreover, again noting the guidance in the SPD, while the appeal scheme includes a shower room, given the proposed usage of the building as a gymnasium, I find it reasonable for such to be included, particularly given the distance from the main house and that its inclusion would not result in the building comprising a separate unit of accommodation.
5. Accordingly, I find good reason in this case to depart from the general guidance of the SPD. The proposal would be subservient and incidental to the main dwelling, thus it would comply with policy CP 17 of the Core Strategy as well as policies DMP1 and DMP18 of the London Borough of Brent Local Plan – Development Management Policies (the DM Policies), insofar as they seek to ensure that development is of an appropriate scale and that outbuildings do not propose separate residential accommodation.

Access gates - Character and appearance

6. The surrounding area is characterised by the presence of vehicular parking to the frontages of properties, however there is a distinct lack of gated entrances. Where there are boundary treatments present along the highway, these are generally lower, discreet features that impart a noticeable openness to along the street. By contrast, the proposed gates with their associated supporting pillars would rise to a height of almost 2 metres at their highest. They would be imposing and overly dominant features, at odds with the more open frontages in the vicinity. Thus, they would be discordant and incongruous additions to the appeal site.
7. Accordingly, the gates would be harmful to the character and appearance of the area, in conflict with policy CP17 of the Core Strategy and policy DMP1 of the DM Policies, insofar as they seek to ensure that development is of a scale and design that complements a locality.

Access gates - Pedestrian safety

8. The supporting pillars proposed as part of the access would be positioned in close proximity to the highway and would be significantly taller than the existing boundary walls. Notwithstanding that they do not extend back into the site, they would be tall and bulky obstructions to visibility for drivers when exiting the site in a vehicle. The pillars and gates would make it particularly difficult to see children approaching the point of access on foot. This represents a clear risk to the safety of pedestrians travelling along the footway towards the appeal site.
9. The Council refer to part of the pavement being driven over illegally in order to access the forecourt parking. However, I noted that this was something that could occur as an existing situation. There is no substantive evidence provided as part of this appeal that such an occurrence would be problematic. Nonetheless, this does not overcome the harm I identify above.

10. Accordingly, I find that the proposed gates, with their associated pillars, would be detrimental to pedestrian safety and the proposal conflicts with policy DM12 of the DM Policies, which seeks to ensure that parking does not have negative impacts on movement within an environment.

Other Matters

11. The appellant refers to the possibility of erecting a means of enclosure to the front under permitted development rights. However, I have nothing before me that convinces me that such a boundary could be erected that would have the harmful effect that I outline above. This therefore has little bearing on my decision.
12. The contention that other accesses are served by poor visibility is not in my view a good reason to support an additional substandard access. Moreover, the suggestion of reducing the height to 1.5 metres would not overcome my concerns.

Conditions

13. In respect of the appeal insofar as it is allowed, in the interests of certainty, in addition to a time limit condition, I have imposed a condition defining the approved plans.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Martin Allen

INSPECTOR