



Appeal Decision

Site Visit made on 6 September 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2021

Appeal Ref: APP/M5450/W/21/3272106

70A Radnor Road, Harrow HA1 1SA

- 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 Jayatu Mandal against the decision of London Borough of Harrow.
 - The application Ref P/0083/21, dated 9 January 2021, was refused by notice dated 25 March 2021.
 - The development proposed is described on the application form as: 'We wish to build a driveway to allow a safe and accessible option for our new Electric Vehicle. The proposed location is adjacent/close to other driveways at 68/68a and 74 Radnor Road. We intend to leave a fully permeable by using PVC honeycomb paving blocks to allow a grass surface. As the entire surface will be permeable, we do not propose to build a drainage system at the boundary meeting the footpath. Section of the existing brick boundary wall will be taken down to allow the vehicle to enter and leave safely. 70a and 70b are both owned by us, so no additional consent required from owners of 70b. Approval for Vehicle Crossing has been obtained on 5 Jan 2021 – VC-8361. This approval is valid only until 28 Feb. Hence please review and provide approval by 22 Feb to allow for us to complete the Vehicle Crossing payment in time.'
-

Decision

1. The appeal is allowed and planning permission is granted for a vehicle access, re-surfacing of the front garden and part demolition of the boundary wall at 70A Radnor Road, Harrow HA1 1SA in accordance with the terms of the application, Ref P/0083/21, dated 9 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2039-os-01; 70A-DW-PL-E01 Rev A; 70A-DW-PL-P01 Rev A.
 - 2) Prior to the commencement of any groundworks, full details of the specification and materials of the permeable paving (and its covering) to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, which shall thereafter be retained.

Preliminary Matters

2. Sketched vehicular access plans¹ are listed on the Council's Decision Notice and make up part of the suite of documents now before me. As these are not drawn to any clearly recognised scale, I have treated them as plans for information purposes as opposed to plans for formal determination.

¹ including a plan entitled 'Vehicle Crossing General Arrangement' referenced VC-8361

3. I have used the description of development as given on the Council's Decision Notice, as opposed to that stated on the application form. This is because it is concise and focusses upon the proposed development under consideration. I am content that no party with a potential interest in this appeal is prejudiced by me taking this approach.
4. It was apparent upon inspection that the property's front boundary wall has already been part-demolished consistent with the proposed layout submitted. In this sense the proposal is part-retrospective, and I shall consider the appeal on this basis.

Main Issue

5. The effects upon highway and pedestrian safety and the amenities of on-site residential occupiers, having particular regard to the site's ability to suitably accommodate a parking space.

Reasons

6. The appeal site contains two flats. These are setback from the highway beyond a front amenity area (the front garden) that I observed to accommodate, amongst other features, a block-paved pathway (the pathway). The proposal involves re-surfacing and levelling works in the interests of promoting that the front garden offers the opportunity for a vehicle to be parked. I experienced Radnor Road to be lightly trafficked residential street.
7. The proposed layout² indicates that, despite the presence of an on-site bay window, the front garden is of sufficient size and suitable dimensions to fully accommodate access and parking provisions for a vehicle measuring 2m by 5m. My own on-site observations did not indicate a situation otherwise. Moreover, it was apparent that other similarly laid out properties close by are already served by dropped kerbs and parking areas to their frontages.
8. Whilst the Council has suggested that the proposal would raise safety and amenity issues for occupiers of the on-site flats, I see no clear reason why such issues should arise. Indeed, even should a vehicle be parked to overhang the pathway, the front garden incorporates adjoining open areas that would offer a potential alternative route from the pavement to the flats' entrance porch. Furthermore, the site would be anticipated to provide good standards of visibility for incoming drivers, who would realistically be traveling at slow speed when entering the site to park.
9. For the above reasons, having particular regard to the site's ability to suitably accommodate a parking space, the proposal would not prejudice highway or pedestrian safety nor cause harm to the amenities of on-site residential occupiers. The scheme accords with Policies DM1 and DM42 of the Harrow Council Development Management Policies (July 2013), Policies D3 and T6 of the London Plan (March 2021) and the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies set out that the assessment of the design and layout of proposals will have regard to the arrangements for safe, sustainable and inclusive access and movement to and within the site.

² 70A-DW-PL-P01 Rev A

Other Matters

10. The Council's Highways Officer has raised specific concerns as regards the anticipated loss of on-street resident parking bays because of the intended introduction of a new dropped kerb access point. However, having fully considered the submitted plans and factored in the intended creation of a new space on-site, I am unconvinced that the proposal would be fairly anticipated to lead to a net-reduction in parking spaces. In any event, even if a net-reduction were to ensue, the change would be minor and the risks of injudicious parking local to the site would not, to my mind, increase to any material degree.
11. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

12. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance.
13. As the proposal is part-retrospective, it is not necessary to impose a condition seeking to control the timing of the commencement of works. In the interests of certainty, a condition specifying the suite of approved plans is required.
14. In the interests of protecting the character and appearance of the area and of ensuring that the site is suitably accessible and drained in the interests of highway safety, a condition to secure full details of the permeable paving to be installed (including of its covering) is both reasonable and necessary. As such works would be at ground level and cover a relatively small area, I do not consider it reasonable or necessary to require that physical samples be submitted for inspection.
15. Given the confined extent of the external area in question and its limited potential to support new planting, a landscape masterplan is neither reasonable nor necessary to secure. Indeed, the final details of soft landscaping would be best left to the site's occupier(s). For similar reasons, the implementation and maintenance of new planting is also unnecessary to condition.

Conclusion

16. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR