



Appeal Decision

Site visit made on 12 November 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 07 DECEMBER 2021

Appeal Ref: APP/T5150/D/21/3280732

82 The Mall, Harrow HA3 9TG

- 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 Sameh Mahran against the decision of the London Borough of Brent.
 - The application Ref 21/0646, dated 15 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is a new dropped kerb and front boundary treatment to provide additional off road parking space and associated landscaping to dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the proposed development from the Council's Decision Notice which provides more detail as to the elements requiring planning consent. It is noted that this description is also included on the applicant's appeal form.

Main Issue

3. The main issues are the effect of the proposed development upon:
 - The character and appearance of the appeal site and the greater locality; and
 - Highway Safety.

Reasons

Character and appearance

4. The appeal site is located on the corner of The Mall and Minterne Road and currently has a single dropped kerb accessing an existing parking area to the front of the property. The properties along The Mall and in the surrounding area consist of formally laid out speculative housing which appears to date from the mid-twentieth century. Dwellings take a functional appearance with two storey brick construction with hipped roof forms, and a regimented setback from the front and side boundaries. Many of the dwellings retain a single dropped kerb with some of the dwellings along the street maintaining low boundary walls and hedging which accentuates an openness to the front garden area and a spaciousness in and around the dwellings. There is a element of symmetry between the dwellings along the Mall which retain similar designs, boundary treatment and spaces in and around dwellings which are part of the positive attributes contributing to the character and appearance of

the area. Unfortunately, a number of dwellings have hardscaped the majority of the front garden area and removed boundary treatment for the use of vehicular parking which dominates the open front garden area and provides a cluttered and poor visual appearance which presents as a negative attribute to the character and appearance of the area.

5. The Brent Local Plan Development Management Policies 2016 (DMP) contains Policy DM12 which seeks to address some of the negative attributes to character and appearance with regards to vehicular parking by providing soft landscaping to front garden areas, incorporating permeable surfaces to assist with surface water retention, boundary treatments and preserving elements which make a positive contribution to the character and appearance of an area. Additionally, DMP Policy DM1 seeks that the location, siting and layout of development complements the locality. These policies are supported by a Residential Extensions and Alterations Supplementary Planning Document (SPD) which contains guidance regarding parking in front gardens where a 50/50 ratio between soft/hard landscaping (or 30% soft landscaping where this is not achievable); and an emphasis on surface water retention and development which does not have a significant negative impact upon the character and appearance street.
6. The creation of a second vehicular access to the front boundary would remove the hedge to the front of the property for the construction of a brick wall to the front boundary. The addition of a second vehicular entrance, crossover and dropped kerb would have an awkward appearance in this context where surrounding properties only have one; and would increase the negative attributes associated with the presence of vehicular parking to front gardens within this area. I agree with the applicant that DMP Policy DM12 does not specifically refer to 'excessive off street parking,' however the policy does state that 'the removal of surplus parking will be encouraged' which further highlights the negative impacts of parking on the surrounding environment. Whilst I note the willingness of the applicant in their Statement of Case (SoC) to provide more soft landscaping than currently, this would not be 'significant.' I have considered the additional benefit of proposed permeable hardstanding which would have benefits to surface water retention, but would not be of enough benefit to offset the significant harm caused to the character and appearance of the area via the presence and domineering effect on the appeal site and the greater locality of vehicular parking and associated hard surfacing.
7. In conclusion of this matter, the proposal of the second vehicular entrance, crossover and associated dropped kerb would cause significant harm to the character and appearance of the appeal site and the character and appearance of the area which is not offset by the benefits presented. Consequently the proposed scheme would be contrary to DMP Policies DM1, DM11, and DM12 as described previously.

Highway Safety

8. In the Decision Notice, the Brent Domestic Footway Vehicle Crossover Policy (VCP) is mentioned as part of the reason for refusal. This policy would not appear to be a planning policy associated with the Council's Development Plan, but a policy utilised by the Highways Authority for the technical considerations involved with the construction, layout and acceptability of vehicular crossovers. The information presented in the policy is relevant to planning and provides

further direction on the Council's consideration with regards to vehicular access and crossovers. That said, I will consider the VCP as a material consideration to the determination of this scheme. I appreciate that the road conditions I experienced on my site visit was only a snapshot of the road at this particular time, however I have also considered the evidence submitted by both main parties, and in light of this, I am satisfied that what I saw represents typical conditions.

9. The Mall is a single carriageway in each direction and provides an alternative route for vehicles to the A4006 between Kingsbury and Harrow. Whilst carrying more vehicles than the surrounding residential streets and cul-de-sacs, The Mall is a residential road with a low speed limit of 30 miles per hour. The road is relatively straight at the appeal site with the road containing street lighting and pedestrian footpaths, with grass verges between the road and the footpath which provide some refuge for vehicles entering and exiting the road. I saw parked vehicles along the road which does inhibit visibility entering and exiting driveways to dwellings. I note comments in the applicant's SoC with regards to the lack of formal accident records for the street, however the absence of formal accident data does not in itself mean that accidents have not occurred, near misses, or indeed that a carriageway is 'safe.' Based on what I saw on my site visit I deduce that despite its deficiencies, The Mall operates satisfactorily without any significant safety issues.
10. The Council's Planning Officer Report does not go into detail about what they see are the pedestrian and vehicular safety issues with discussion framed around the lack of compliance to Section 12 of the VCP with regards to the width and depth of the plot. Whilst I agree with the Council that the proposed scheme would not comply with the VCP in this regard, this appears to be related to site layout rather than directly linked to highway safety concerns or impacts. DMP Policy DM11 states that an access could be provided if at a 'safe point' with regard given to any trees or verges that may be impacted with consideration also given to the loss of on street parking. DMP Policy DM12 seeks that parking should not have a negative impact on existing parking, highways, other forms of movement or the environment. The Council have not raised any issues with regards to impact to the environment, or the transport network which could result in negative impacts that could have safety issues for pedestrians or vehicles. That said, I am not persuaded that the proposed scheme would result in significant highway safety impacts.
11. In conclusion on this matter, I disagree that the proposed scheme results in highway safety impacts for vehicles or pedestrians. As such, the scheme would be compliant with DMP Policy DM11 and DM12 as described above.

Conclusion

12. I have found in favour of the applicant with regards to the matter regarding highway safety. However, this would not be sufficient to overcome the significant harm attributed to the character and appearance of the area as a result of the proposed development. Taking the above into account, I conclude that the appeal be dismissed.

J Somers

INSPECTOR