



Appeal Decision

Site visit made on 7 January 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2022

Appeal Ref: APP/T5150/W/21/3278377

18 Highcroft Avenue, Wembley HA0 1TG

- 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 Keyurkumar Asmuclal against the decision of London Borough of Brent.
 - The application Ref 21/0574, dated 2 November 2020, was refused by notice dated 22 April 2021.
 - The development proposed is kerb dropping for parking.
-

Decision

1. The appeal is allowed and planning permission is granted for Kerb Dropping for parking at 18 Highcroft Avenue, Wembley HA0 1TG in accordance with the terms of the application, Ref 21/0574, dated 2 November 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Within 3 months of the installation of the dropped kerb, details of soft landscaping shall be submitted for the written approval of the Local Planning Authority. Planting shall subsequently be carried out in accordance with the approved details in the first planting season following their approval and shall be so retained at all times thereafter.

Main Issues

2. The main issues are 1) whether the proposed development would result in an overprovision of car parking, 2) the effect of the proposed development on the character and appearance of the area, and 3) the effect of the proposed development on pedestrian safety.

Reasons

Overprovision of parking

3. The appeal property is an end of terrace property that comprises two flats. It has two garages to the rear of the property that are accessed via an alleyway to the side of the property. There is also an existing hardstanding to the front of the property.
4. The Council consider that as a result of the two existing garages, the proposed dropped kerb, which would provide vehicular access to the existing hardstanding, would result in an overprovision of car parking at the property in

exceedance of the maximum standards outlined in the Development Management Policies Document. The Council have assumed that the maximum amount of car parking that should be provided across the two properties is two off-street parking spaces and consider that this is met in the existing garage provision.

5. The appellant has outlined that the existing garages are used for storage and would not in any event be used for parking due to the inconvenience of access. This is acknowledged by Brent Transport who have outlined, via the officer report, that they have previously taken the view that the rear garages can be inconvenient to access.
6. I observed on my site visit that the position of the garages and the width of the back lane would mean a convoluted manoeuvre would be required to park a vehicle within them, something that the Council have acknowledged, and that the appellant has put forward. I am also not presented with any evidence outlining a requirement that the garages are made available for parking or that they are of a size that would be appropriate for parking a vehicle.
7. Therefore, based on the evidence before me, I would not be able to conclude that the proposed development would result in an overprovision of parking. It would therefore not be contrary to Policy DM12 of Brent Local Plan Development Management Policies (2016) which outlines, amongst other things, that developments should provide parking consistent with parking standards contained in Appendix 1 of the Development Management Policies document.

Character and appearance

8. The area to the front of the property contains two existing landscape strips. One, closest to the alleyway, contains a number of small bushes and shrubs, the other is a raised bed that has no notable planting. Both areas have potential for landscape enhancement. The majority of surrounding properties have front garden areas including some with driveways. The landscaping in the surrounding area, in terms of its quality and degree of maintenance, varies greatly.
9. Policy DMP12 of the Local Plan requires that off street parking proposals provide adequate soft landscaping, in the case of front gardens 50% coverage. The Council's Domestic Vehicle Footway Crossover Policy, although not of the same weight as the development plan, reduces the percentage to 30% for properties with narrower, shorter front gardens. The appellant suggests that 28% of the frontage would remain as landscaping and also suggests a condition could be imposed requiring further landscaping details.
10. The Council have not contended that the existing hardstanding is unauthorised and this is conveyed in the description of development on their decision notice which is expressly for a 'kerb dropping for parking'. On this basis, the proposed development would not materially change the existing position, other than by a vehicle being able to park on the hardstanding.
11. The existing frontage is capable of landscape enhancement that would improve the character and appearance of the area. This could be secured by an appropriately worded condition and would deliver a significant enhancement that would otherwise not be possible to secure in terms of the existing

situation. Although it would not extend to the 50% figure contained in Policy DM12, in light of the existing situation, it would be unreasonable to impose this requirement given that the proposed development is for a dropped kerb. The mere parking of a vehicle would not, in my judgement, trigger the need for any additional landscaping areas, above that which is already present on site.

12. Therefore, despite the development being contrary to the requirement of Policy DM12, it broadly aligns with that in the Domestic Vehicle Footway Crossover Policy, and in light of the existing situation representing a fallback, the ability to secure landscape enhancements in allowing the appeal, would represent an improvement on the current situation and justify departing from the policy in this case.

Pedestrian safety

13. The existing frontage is largely open, save for a gate and angled section of fence. There are no physical features that would obscure visibility for drivers entering or exiting the site. There is no substantive evidence before me that would lead me to conclude that the development would cause harm to pedestrian safety.
14. The adjacent property has an existing driveway of almost identical depth to the hardstanding at the appeal site. I observed on my site visit that the driveway at the adjacent property was able to accommodate a standard sized vehicle without overhanging the footpath and I have no reason to conclude that this would not be the case at the appeal site.
15. The development would therefore comply with Policy DM12 of Brent Local Plan Development Management Policies (2016) which outlines, amongst other things, that additional parking provision should not have negative impacts on highways or other forms of movement.

Other matters

16. I am reminded that any installation in the adopted highway requires approval from the Council under the Highways Act 1980 and that regardless of the outcome of the appeal the Council may impose the requirements of the Domestic Vehicle Footway Crossover through that route. Be that as it may, I have determined the planning appeal based on the evidence before me and the existing on site arrangement.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition requiring details of soft landscaping. This is in the interests of the character and appearance of the area.

Conclusion

18. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR