



Appeal Decision

Site visit made on 8 March 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/T5150/D/21/3289829

83 Bridgewater Road, Wembley, London, HA0 1AQ

- 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 Avinash Jivan against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/2072, dated 3 June 2021, was refused by notice dated 13 October 2021.
 - The development proposed is described as 'Vehicle crossing, dropped kerb'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development plan includes the Brent Local Plan 2019-2041 (LP) which was adopted on 24 February 2022 after the date of the Council's decision for this case. It has replaced policy DMP1 in the Development Management Policies document referred to in the Council's decision with LP policy DMP1. Both parties have had the opportunity to comment on this and I have determined the appeal on this basis.
3. I have noted the appellant's offer to revise the scheme to incorporate some front boundary treatment, an additional drainage channel and additional planting but that would prejudice the interests of the Council which would not have the opportunity to consult its Transportation section. I shall therefore determine this appeal on the basis of the scheme as submitted with the planning application.

Reasons

4. The main issues in this appeal are the effect of the proposed development on:-
 - the safety of users of the adjacent public footway;
 - drainage and surface water flood risk.

Footway users' safety

5. The appeal site comprises an inter-war built mid-terrace house which would have been built without any off-street parking. At my visit I saw that Bridgewater Road is a major, heavily trafficked London distributor road with houses along both sides of the road. It is a straight road with grass verges and parking strips and lay-bys along both sides of the road. Although on-street

parking is generally prohibited between 8am-6.30pm Mon-Sat, with loading prohibited at peak hours, there is on-street parking directly outside the appeal site. There is long range visibility in both directions although that is somewhat restricted by the presence of parked cars in the parking strip and lay-bys. Many of the dwellings have vehicular accesses.

6. The Council has said that the large mature tree sited on the grass verge in front of the property and adjacent to the proposed crossover would pose an obstruction to vehicles entering/exiting the parking space and would also impede the view of oncoming traffic. The Council's Transportation consultation response has not objected to the effect of the tree on pedestrian safety despite its concerns regarding the impact on the tree itself and given the number of other street trees close to vehicular crossovers along this road it is likely that footway users and drivers would be aware of its presence and would proceed with caution.
7. However, the proposed access would extend across the whole frontage and at 4.9m in width would significantly exceed the 3m width across a grass verge and 50% of the frontage advised in the Council's guidance in its Domestic Footway Vehicle Crossover Policy (2018). I have noted that the parking area would be 3.8m wide and separated by the planting and a path and steps but this still exceeds the guidance. Together with the lack of any front boundary treatment, this would be likely to encourage the manoeuvring over the crossover at an angle by vehicles and the crossing of a wider section of the footway which would increase the risk unacceptably to those using the adjacent footway. As such, the proposal would be contrary to LP policy DMP1 which seeks to ensure that new development provides for access for all and does not have an adverse impact on the movement network.

Drainage / flood risk

8. There is a difference in levels between the site and the carriageway edge. The proposal includes a drainage channel close to the house. I disagree with the Council that the position of the proposed drainage channel is unacceptable and should be on the boundary threshold where the access would adjoin the footway. As the ground slopes down towards the house, the position shown on the plans closer to the house would be acceptable if all other matters were and the proposal would not result in an accumulation of surface water or an unacceptable flood risk. It would, in this respect, accord with LP DMP1 which also requires that development provides the necessary physical infrastructure and does not unacceptably increase flood risk.

Conclusion

9. For the reasons stated above and notwithstanding my findings in regard to drainage and flood risk, I conclude that the proposed development, by reason of the width of the crossover and hardstanding, would result in significant harm to the safety of users of the adjacent public footway. As such, it would fail to provide for access for all and would be contrary to the development plan. There are no material considerations that would outweigh this conflict and the appeal should be dismissed.

Sarah Colebourne

Inspector