



Appeal Decision

Site visit made on 27 June 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/T5150/W/22/3292414

Jasmine Court, 2 Talbot Road, Wembley HA0 4UE

- 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 Rajul Sonigara (Gentlecraft) against the decision of London Borough of Brent.
 - The application Ref 21/4033, dated 27 October 2021, was refused by notice dated 22 December 2021.
 - The development proposed is the formation of an on-site car parking space and footway crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Brent Local Plan (BLP) was adopted by the Council on 24 February 2022 and now forms part of the statutory development plan. The reasons for refusal referred to policy DMP12 of Brent Development Management Local Plan (2016). The Council advise that this policy has been superseded by Policy BT2 in the BLP. I have therefore determined the appeal accordingly.
3. As part of the appeal submission, the appellant has put forward a revised plan indicating additional soft landscaping and a reconfigured parking space. However, I am mindful that 'The Procedural Guide to Planning Appeals – England' states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles¹ and the interests of fairness. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - Highway safety with regard to parking provision; and
 - Natural drainage.

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

Reasons

Character and Appearance

5. The appeal site is a modern block of flats on Talbot Road. This section of road is predominantly characterised by semi-detached houses and small blocks of flats set back from the highway. Houses on the road generally have small areas of hardstanding to the front which provide off-street parking. The appeal property was designed with landscape planting to the front of the building set behind metal railings. This provides a fairly spacious setting to the building within Talbot Road. In addition to off-street parking at other properties on the road, on-street parking is provided in marked bays on alternating sides of the road to enable vehicles to pass.
6. The proposal would be facilitated by the removal of a section of railings on one side of the entrance to the property and reconfiguring the hard surfacing and soft landscaping at the front of the building. The resultant alterations to the layout of the frontage of the site would also necessitate the loss of landscaping from the front boundary. Although landscape planting would be re-provided in part along the side boundary, the proposed parking space would dominate the front of the building on this side of its entrance, especially when occupied by a vehicle. As a result, the proposal would adversely affect the character and appearance of the area, albeit confined to this part of Talbot Road immediately surrounding the appeal site.
7. I appreciate that other properties on the road have parking to the front of them. However, these properties are very different in design and character to the appeal property which is a purpose-built block of flats and I do not consider them to be directly comparable.
8. For the above reasons, the proposal would have an unacceptably harmful impact on the character and appearance of the site. As such it would be contrary to BLP Policy BT2 which seeks to ensure that development preserves any means of enclosure or other features of a forecourt or garden which make a significant contribution to the building's setting and character of the surrounding area.

Highway Safety

9. Planning permission² for the redevelopment of the site was granted on the basis that there was no requirement to provide any on-site car parking which was due to location in a Controlled Parking Zone (CPZ), high Public Transport Accessibility (PTAL) rating of 5 and proximity to Wembley Central Station. The permission is subject to a condition³ to restrict the availability of parking permits for residents. The effect of the condition is to make the development car-free.
10. To avoid the loss of an on-street parking space two existing delineated spaces in the highway to the front of the appeal property would need to be moved further along the street. These are not in the control of the appellant, and I have not been provided with any evidence that the Council would be willing to undertake the necessary work. Furthermore, it is possible that the opportunity

² LPA ref: 17/1227 dated 29 June 2017

³ Condition 12

to relocate the spaces would be restricted by the on-street spaces on the opposite side of the road.

11. The alternative would be to remove one of the on-street spaces to allow access to the off-street space. Again, this is outside the control of the appellant, and I have not been provided with any evidence that the Council would be willing to enter into such an agreement. It has therefore not been demonstrated adequately that the proposed space could be accessed without having a detrimental impact on existing parking provision which would compromise highway safety and be contrary to BLP Policy BT2 which requires that additional parking provision should not have negative impacts on existing parking.

Natural Drainage

12. The reason for refusal refers to natural drainage. Whilst I accept that the proposal would reduce the amount of soft landscaping within the scheme, I do not have any evidence before me which indicates that surface drainage within the site would be unacceptably compromised or that surface water run-off would be increased to the extent that would warrant refusal of the proposal.
13. I therefore conclude that the proposal would not have any detrimental effect on surface drainage within the site in conflict with BLP Policy BT2 which seeks to ensure that adequate soft landscaping is provided to off-set increases in surface run-off.

Other Matters

14. The refusal reason refers to London Plan Policy T5 which is related to the provision of cycle parking. The Council is concerned that the existing and proposed plans indicate that cycle parking is shown in a location which is not in accordance with the planning permission for the construction of the flats. This is not a matter which I can take into consideration under this appeal which is unrelated to the provision of cycle parking within the site.
15. I acknowledge that the proposal includes the installation of an electric vehicle charging point. This would be a benefit of the scheme which would encourage sustainable modes of transport. However, there is no guarantee that the space would be utilised by an electric vehicle, and this could not be reasonably controlled by condition. Similarly, it could not be guaranteed that the parking space would be used by persons with reduced mobility. Therefore, the benefits are given limited weight and would not outweigh the harm that I have found on the main issues.

Conclusion

16. Overall, although I have found no harm in respect of natural drainage, I have found harm on the other main issues. For the reason given, I therefore conclude that having had regard to the development plan as a whole and all relevant material considerations, the appeal should be dismissed.

Katherine Robbie

INSPECTOR