



Appeal Decision

Site visit made on 1 August 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/T5150/D/22/3297108

37 Bridgewater Road, Wembley 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 Vipinchandra Patel against the decision of the London Borough of Brent Council.
 - The application Ref 21/4609 dated 15 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is dropped kerb for vehicle access to front of the dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. The new Brent Local Plan 2019-2041 (LP) was adopted by the Council on 24 February 2022. The policies within the refusal reason, from the Development Management Policies Plan 2016, have been formally revoked and are no longer part of the development plan for Brent. The appeal before me was lodged on 15 April 2022 and the appellant's statement has clearly considered policies within the newly adopted Local Plan with the Council having forwarded copies of the relevant policies with their appeal submissions. I considered the appeal on this basis as the adopted LP at the point of determination.
4. At the time of my site visit for this appeal I also undertook a site visit for an appeal at the neighbouring property, 35 Bridgewater Road (APP/T5150/D/22/3297106). Each case has been considered on its own merits; however, I have made reference to the neighbouring scheme as far as it has been specifically referred to within the appellant's submissions.

Main Issues

5. The main issues are the impact of the proposal upon highway and pedestrian safety, flood risk and visual amenity.

Reasons

6. The appeal site is a two-storey, mid-terraced dwelling, located off Bridgewater Road which is a main distributor road. At the time of my site visit which was around midday there were no parking spaces available along this stretch of Bridgewater Road which indicated, to me, evidence of parking stress and this is

supported by comments submitted by the appellant during the application process itself as well as in the appeal submissions.

7. The Transport Consultee has advised that due to the difficulties involved in forming safe access to the properties along this length of Bridgewater Road, the parking bays were constructed in the grass verge as lay-bys specifically in order to provide some safe on-street parking for the frontage properties. The appeal proposal would require access through the middle of a road side parking bay which is currently able to accommodate three vehicles, the spaces of which are available to all residents. This would result in loss of a space in the middle of the lay-by.
8. I note the appellant's submissions state that the proposal would allow for the appellant to park within their curtilage whilst retaining a space on the highway for a visitor but I do not find this would be the case and could essentially cause conflict given that the appellant would not have control over the space stated to be available on the highway. The highway space, used by anyone but the appellant/their visitors, would then result in the appellant being unable to enter and access the parking provision proposed within the curtilage. The proposal would therefore result in the loss of an on-street parking space which could no longer be flexibly used by residents in the area.
9. Whilst this case should be considered on its own merits the appellant's statement references proposed crossovers at neighbouring properties. As noted above, in procedural matters, the appeal for 35 Bridgewater Road is also before me. The proposal within this appeal on its own would result in a private, off road, space but it would also result in the loss of on-street parking which I find would conflict with Brent's Domestic Vehicle Footway Crossover Policy 2021 (DVFCP) which confirms that when considering the construction of crossovers, a major consideration is the maintenance of on-street parking. Total capacity should not be compromised. The DVFCP is also specific it is guidance that crossovers should not be approved that reduce casual parking in purpose built parking areas in lay-bys.
10. It is acknowledged that there is nothing within the Local Plan, or DVFCP which specifies gradients for such proposals but the overarching objective of such guidance is to ensure safe entry to and exit from premises. Whilst it is stated that the proposed gradient would not be as steep as 10% I do not find that the plans before me confirm sufficiently the proposed crossover gradient when taking into account the site level difference between the site and the road edge. I find that such information would be key and reasonable to request with regard to this proposal as too steep a gradient, for a proposal which would require vehicles to reverse on/off a busy distributor road, is key to demonstrating highway safety. Without this I do not find the proposal sufficiently demonstrates safe access for vehicles utilising the proposals regardless of the Crashmap data provided and given that those properties opposite the appeal site do not experience the same site level changes. This represents a risk detrimental to highway safety in the absence of evidence to the contrary.
11. Drawing no. A-37-01 fails to include the bay window which protrudes into the forecourt. This would, however, protrude at a comparable level to the existing front porch as noted by the Council which is shown on the plans. Based upon the indicative car and dimensions on that plan, and the sections submitted in

drawing no. A-37-02, I find it still demonstrates that a depth of 4.8m is achievable. I therefore find the proposal would not result in cars unlawfully overhanging the footway of Bridgewater Road and obstructing pedestrian movement along the street.

12. At the time of my site visit I noted that similar vehicular crossovers and off-street parking provision has been provided on the opposite side of the road for a similar row of terraced dwellings. This provision is, therefore, part of both the character and appearance of the street scene albeit I appreciate there are no examples within the terraced row within which the appeal site stands but the proposal would not look out of place in a residential area with said examples opposite and the existing presence of on street parking along the road. References to grass verges, within the DVFCP, are clear in its definition of three metres from the carriageway kerb line to the property threshold. In this case the verge in question is less than three metres in width at the point of determination as the creation of the parking bay has already reduced this, it is no longer four metres as per the original width.
13. Only 30% of the front garden is shown retained for soft landscaping, which is below the minimum requirement for 50% soft landscaping, as required under LP Policy BT2 to offset adverse visual impacts. Despite this the appeal site front garden, due to being lower than the road, is of limited visibility behind the on-street parking bays within the wider street scene. As a result of these factors I do not find that the proposal before me would result in a loss of on-site landscaping and grass verge which would be to the detriment of visual amenity of the area. The DVFCP also confirms that, whilst 50% of the front area of the property should have soft landscaping to comply with the planning requirement and Council's green policy, the minimum requirement is 30% for properties with narrower, shorter front gardens. I find this is applicable to the appeal site as a mid-terraced dwelling within limited existing frontage.
14. The appeal site does not stand within a flood zone and no flood risk assessment is provided. I note the Council's comment regarding maintenance of soft landscaping in order to provide natural drainage, however, I find that there would likely be alternatives to ensure appropriate drainage as a result of the proposal even with 30% soft landscaping to the front of the property. These include, as noted by the appellant, permeable surfacing compared to the existing non-permeable surfacing to the property frontage. Final drainage details could be secured via condition, as a pre-commencement condition, with agreement from the appellant in order to address drainage concerns and conditions could also be utilised to control the height of proposed hedging to ensure appropriate pedestrian sight lines.
15. The proposal would be contrary to LP Policy BT2 which requires that additional parking provision should not have negative impacts on existing parking or highways. Whilst the proposal would not result in the loss of more than one on-street car parking space the proposal would still conflict with LP Policy BT4 due to the proposal not sufficiently demonstrating that access would be safe having regard for the Council's cross over guidance. The proposal would conflict with guidance within the DVFCP as has been set out earlier within this decision letter.
16. Reference to the National Planning Policy Framework 2021 (the Framework) is noted in that it seeks to approve applications for sustainable development

where possible. The presumption in favour of sustainable development is at the heart of the Framework but does not, however, change statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted as set out in paragraph 12 of the Framework.

Other Matters

17. A lack of objection from neighbouring properties is a neutral consideration. I see that there are comments that have been submitted in support of the application, however, it would appear that these have been submitted by the appellant at the time of application as the customer details bare the same address as the appeal site. The appellant's comments with regard to their personal circumstances are noted, however, these do not outweigh the issues I have found with particular regard to the loss of on road parking in an area which evidently suffers from parking stress, as well as concern as to highway safety, compared to the gain of a single private space.
18. The appellant has made reference within their appeal statement to policies within the London Plan 2021 as well as referencing a Supplementary Planning Document 2 – Residential Extensions and Alterations 2018 (SPD2). I do not have full copies of these documents before me within this appeal. Despite this, with regard to the latter, I have dealt with many of the general requirements listed on page 8 and 9 of the appellant's statement under the main issues of this appeal. The proposal may meet the maximum parking standards; however, these are generally applicable to new developments where such provision can be designed within a scheme – it is not always possible to retrospectively apply new standards to existing buildings and layouts. The contribution of new developments to parking stress is noted but serves to demonstrate the value of flexible on street parking in the area and, if the Council deemed it suitable, they could address parking issues through Controlled Parking Zones or similar but this is outside the scope of this appeal.
19. Cumulatively the proposal before me, with those at the neighbouring property, would further contribute to on-street parking loss which would exacerbate the issues I have found but I have in any case found the proposal to be unacceptable on its own taking each case on its own individual merits. The outcome of this appeal would not be changed in the absence of neighbouring proposals.

Conclusion

20. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR