The Planning Inspectorate

Appeal Decision

Site visit made on 22 August 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/T5150/D/22/3297109

39 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 Emma Pelosi against the decision of the Council of the London Borough of Brent.
- The application Ref 21/4617, dated 15 December 2021, was refused by notice dated 11 February 2022.
- The development proposed is a dropped kerb.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the date of the decision the Council has adopted the Brent Local Plan 2019-2014 (LP) in February 2022. Policies of the Development Management Policies 2016 that have been referred to in the Council's decision are no longer part of the development plan and are superseded. The Council has forwarded copies of the relevant policies of the new LP, which were referred to as emerging policies at the time of their decision, and the appellant has clearly considered these new policies in their appeal submissions. I have considered the appeal having regard to the up-to-date development plan.

Main Issues

3. The main issues are the effect of the proposal on highway safety, amenity, and drainage.

Reasons

4. The appeal property is a mid-terraced dwelling located on the southern side of Bridgewater Road, a fairly busy London distributor road and bus route. The houses to this side of the road are set below the level of the adjoining footpath and carriageway due to the topography of the area. The frontages to the properties in this particular terrace at Nos 33-47 (odd) are fairly short and shorter than adjoining terraces to each side which are set on a slightly more recessed forward building line. The proposal is to lower the kerb at the roadside to create a pavement crossing for a car to park on the frontage of the premises at right angles to the road. This would involve breaking through a continuous parking bay to this side of the road in front of Nos 35-39 and creating a vehicle crossing over an existing grass verge and pavement.

5. The Council point to their Domestic Vehicle Footway Crossover Policy V4 March 2021 (DVFCP). The loss of a parking bay in front of No 39 to accommodate the proposed dropped kerb would directly conflict with the DVFCP where it states that the Council's policy, when considering the construction of crossovers, is that a major consideration will be the maintenance of on-street parking. It explicitly states that total capacity and the street scene should not be compromised. During my daytime visit I saw that the roadside parking spaces were heavily used. The level of parking stress in the area is also recognised by the appellant in their submissions. Whilst I recognise that a private parking space within the curtilage of No 39 would be of direct benefit to the appellant, the loss of a kerbside space would reduce parking capacity on the highway as a whole. This would have the potential to add to on-street parking demand or otherwise harm existing on-street parking conditions by creating a shortfall of public parking. As well as contravening the DVFCP this would also be directly contrary to criteria a) and c) of LP Policy BT2.

6. Turning to the off-street parking space. My attention has been drawn to an earlier proposal for a similar use which was refused planning permission in October 2019 (Ref 19/2467). I have been provided with a copy of the plans that were submitted at that time. Drg No EMA/0204/LS gives a dimension for the depth of the front garden between the back edge of a 100mm thick front boundary wall and the front face of the dwelling's bay window as 4585mm with a proposed driveway length of 4.1m. This was considered to be unacceptably short of the minimum requirement of 4.8m, which is specified within the DVFCP. The appellant has asserted that the proposal has been revised with significant changes to the design. I recognise that the originally proposed gates have been removed and that at least 30% of the front garden would be soft landscaped, which the Council considers would be acceptable in this instance. Nevertheless, the current plan Drg No A-39-01 Rev A, shows a dimension for the proposed hardstanding to be 4800mm but without showing the property's front bay window, with an illustration in the appellant's grounds of appeal showing a total depth for the frontage, including from the front of the bay window to be 4.9m.

7. There is no substantive explanation for the difference between the dimensions given on the 2019 application plans and those on the current appeal plans. Revisions to the layout cannot explain the change from a forecourt depth that was shown to be below the minimum required to one that is now apparently larger in order to accommodate a full-size parking space. In the absence of an accurately measured survey for the property's frontage, based on the information before me I cannot be confident that a parked vehicle would not overhang the footway. This would be prejudicial to pedestrian safety and in this regard the proposal would fail to be safe having regard to the Council's crossover guidance. It would therefore fail to satisfy one of the criteria listed within the Council's *Residential Extensions & Alterations Supplementary Planning Document 2* (SPD) where it deals at section 2.9 with parking in front gardens and would conflict with part a) of LP Policy BT4.

8. I have further concerns over safety in relation to the gradient of the proposed driveway. There is an obvious and significant levels difference between the threshold of the dwelling and the back edge of the highway. There is a difference of opinion between the Council and the appellant over what precisely the gradient of the parking space would be. I recognise that there is no Council guidance on what is, or is not, an acceptable gradient for a parking

space or driveway. However, I have no doubt that a steep gradient would make a reversing hill-start onto a busy distributor road a difficult manoeuvre and one that would be potentially dangerous on the highway with the risk of conflict between converging vehicles, including cyclists. From the information available to me and as shown on the Proposed Side Section on Drg No A-39-02 Rev A, combined with my own observations of the levels' differences during my site visit, I am not satisfied that the ultimate gradient of the pavement crossover and hardstand can be readily understood. Safe access for vehicles entering/egressing the site has not been adequately demonstrated. This would be further contrary to the primary considerations of the DVFCP and Policy BT4.

9. The Council is additionally concerned that the proposal would unacceptably remove an extent of grass verge. However, the verges to both sides of Bridgewater Road are regularly punctuated with concrete crossings. A crossing to the front of No 39 would not be alien or harmful to the visual amenity of the area. Additionally, the depth of the verge at this point is clearly less than 3m and as such its loss would not conflict with the DVFCP in this regard.

10. Regarding drainage, due to the gradient of the land, water run-off from the hard surface would be contained within the property's boundary. Moreover, a permeable surface is proposed and could have been secured by condition in the event of the appeal succeeding, along with other drainage details if necessary. In these circumstances I am satisfied that there would be no unacceptable risk from flooding.

11. The Council has questioned whether suitable pedestrian visibility splays would be provided due to a hedge that is proposed in order to limit the width of the opening on the site's frontage. This is a further matter that could have been controlled by condition had I been minded to allow the appeal.

Other Matters

12. I appreciate that there are many pavement crossovers in the immediate locality, however I am not persuaded that the circumstances elsewhere along this stretch of Bridgewater Road are directly comparable with those at No 39 or along the terrace of which it forms part. Neither does the Crashmap Data submitted by the appellant, which indicates just two slight incidents in the area over the last ten years, the absence of any objections to the proposal, or a letter of support, indicate to me that the proposal at No 39 would be inherently safe.

13. I have carefully considered the appellant's circumstances and I understand that a private parking space within the curtilage of the property would be of significant personal benefit. However, when weighed in the balance, the personal gains do not outweigh the harms that I have identified regarding the loss of on-street parking in an area of parking stress and highway safety.

14. I appreciate that a single parking space at No 39 would satisfy the car parking allowances permitted for residential use as set out in The London Plan 2021. However, it is not unusual for policy and guidance to pull in different directions. In this instance I have found clear conflict with the DVFCP, the SPD and development plan policy. For this reason, the proposal would not amount to a sustainable form of development for the purposes of the National Planning Policy Framework.

Conclusion

15. For the reasons given, I have found direct conflict with LP Policies BT2 and BT4. Notwithstanding my findings with regard to amenity and drainage, the failure to show satisfactory access and parking which is safe would also conflict with parts b) and f) of LP Policy DMP1. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR