



Appeal Decision

Site visit made on 5 December 2022

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/T5150/D/22/3306469

197 High Street, Brent, London NW10 4TE

- 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 Tung Tse against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/1221, dated 2 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is the creation of a front driveway with parking space and landscaping and associated dropped kerb crossover to the public highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - The character and appearance of the host property and the surrounding area;
 - Highway safety and parking provision; and
 - Drainage.

Reasons

Character and appearance

3. No. 197 High Street is a narrow mid-terraced two-storey dwelling, located in an area with a mixture of terraced residential and commercial uses. There are vehicle parking areas to the front of other properties in the terrace and nearby on High Street, some with and some without crossovers. The appeal site has a mainly concrete front forecourt area abutting the pavement, with an established hedge straddling the boundary between it and No. 199. There is a pedestrian gate and brick piers to one side of the front boundary of the appeal site, the remainder of its pavement frontage is open. Although I note the Council's reference to a pending enforcement investigation at the site, there is little substantive evidence before me that the above features are unlawful. I have therefore determined the appeal on this basis.
4. The provision of the parking space would involve a change in hard surfacing from concrete to permeable paving together with planting to each side of the parking space and below the ground floor front window. These changes would be an improvement to both the current appearance of the front of the appeal property and also the surrounding area. The proposed front parking space

would also be consistent with other front parking spaces on nearby terraced properties, as a result these proposed changes would not appear as prominent or out of place.

5. The available evidence indicates that the soft landscaping proposed equates to approximately 21% coverage of the front area. Although this would be an increase compared to the existing situation, this coverage would be less than the 50% of soft landscaping coverage required by Policy BT2 of the Brent Local Plan 2019-2041 adopted February 2022 (BLP), and also lower than the 30% set out by the Residential Extensions & Alterations SPD 2 adopted January 2018 (SPD2). In this case, although the appearance of the new parking space would be an improvement compared to the existing situation and I recognise the appellant's difficulty in achieving the requisite coverage given the relatively small size of the front area, this is a requirement of the adopted development plan and guidance. As such there is insufficient soft landscaping proposed in relation to that required by BLP Policy BT2 and SPD2.
6. Although the proposal would not satisfy the full soft landscaping coverage in this case, I find the provision of the proposed parking space would however not be harmful to the character and appearance of the host property or the surrounding area overall. Other than for the soft landscaping, I find the proposal to be consistent with the provisions relevant to this main issue of BLP Policies DMP1, and BT4. Amongst other things, these require new development to be high quality and parking spaces to the front of properties not to adversely affect the visual amenity of the area. Nevertheless, as identified above, there is a conflict with Policy BT2 and SPD2.

Highway safety and parking provision

7. High Street is a busy road and classified as an 'A' road, the A404. There is a junction roughly opposite the appeal site with Tubbs Road, which is a one-way road allowing traffic to only move away from High Street. In close proximity to both sides of the appeal site are controlled crossings points and traffic lights.
8. The part of High Street in the vicinity of the site is busy with a variety of traffic and pedestrian activity and I saw on my site visit that vehicles were queuing very near to the site. It is also not inconceivable that vehicles will likely at times queue outside of the appeal property due to for example deliveries and movements to nearby commercial premises, vehicles turning at the adjacent junction into Tubbs Road and because of the traffic lights at either side of the site.
9. Use of the proposed parking space would involve a vehicle having to reverse on the highway in order to either enter or leave the space. In addition, the narrow width of the proposed parking space is likely to lead to restrictive manoeuvres for accessing the space. There would also be a range of different distractions when attempting this manoeuvre due to the junction opposite the site and the extensive activity on both sides of the carriageway and pavement. The safety of vulnerable pedestrians including those with mobility issues would also be added risk to the overall situation. These combined factors would make accessing and exiting the proposed parking space prejudicial to highway safety.
10. Whilst traffic speeds may be lower on this part of High Street due to how busy it can be, this does not alter my opinion in regard to the highway safety risks outlined above. In addition, given how busy this area of High Street is, there is

also likely to be times where there would be inadequate gaps in the traffic for accessing or leaving the proposed driveway, without causing disruptions to the flow of traffic along High Street.

11. I note the appellant has suggested reversing a car into the proposed driveway to avoid having to reverse out of the parking space into High Street. However, to make this manoeuvre it may be necessary to wait on double yellow lines near to the proposed crossover for a gap in the traffic. Even accepting this point, which could not be controlled by condition, there would still be the same significant safety concerns as outlined above relating to the potential conflicts with pedestrians, vehicles and other highway users, in addition to the many other distractions in the vicinity, when reversing into the proposed driveway.
12. Whilst some drivers may be at a heightened state of alert to undertake such a manoeuvre, this does not outweigh the highway safety risks outlined above. The level of difficulty for vehicles entering and exiting other nearby driveways along with the low height of the existing boundary treatment do not lead me to a different conclusion.
13. Notwithstanding the double yellow lines outside of the appeal site, I also find the reversing manoeuvre into the proposed parking space to be different to that of an on-street parallel parking manoeuvre, given the wider angle that would have to be navigated and the added complication of crossing the pavement.
14. The proposed 2.4 -metre-wide crossover is contrary to the London Borough of Brent Domestic Vehicle Footway Crossover Policy Guidance (DVFCP) as its width should normally be at least half the width of the frontage of the site, which is stated as being 4.6 metres. However, I note that the DVFCP also sets out that 2.4 metres is normally the minimum crossover width, so reducing the to 2.3 metres would be contrary to that. Accordingly, although the proposed width would result in a minor breach of one part of the DVFCP, I am in this instance satisfied that the proposed crossover width would be acceptable.
15. The site has good access to public transport and I recognise that BLP Policy BT2 sets out that car free development should be the starting point for all development proposals in places that are well-connected to public transport. However, although it has been put to me that the local plan requires developments in such areas to be car-free, the policy sets out that parking should be consistent with BLP Appendix 4, which defers to the London Plan for residential parking, and those standards relate to new residential development. Accordingly, given the proposal is for a parking space to serve an existing property, I find no conflict with that part of Policy BT2.
16. Nevertheless, in view of the above, I conclude that the proposal would be prejudicial to highway safety. It therefore conflicts with BLP Policy BT4 of the BLP, which amongst other things, requires new accesses onto the movement network to be safe.

Drainage

17. The existing site includes an area of impermeable hardstanding with limited soft landscaping. It is noted that the site is also not located in a flood zone and neither did the Council require additional drainage details to be submitted. The

proposed parking space would be finished with permeable paving and surface water could also be collected and distributed to the proposed soft landscaping.

18. The proposal therefore represents an improvement in terms of drainage in relation to the permeable paving and rainwater harvesting into the soft landscaping. The imposition of a suitable planning condition could also ensure surface water is contained within the site as specified by the appellant. I therefore find no conflict between the proposal and the part of BLP Policy BT2, which requires surface water of new development to be satisfactorily drained.

Other Matters

19. I note the appellants arguments that they have a family car for their young family and struggle to park locally, and that by allowing them to park at the front of their property it would assist them and free up a space on nearby roads, as they are entitled to a parking permit. It has been put to me that the proposal also only needs planning permission as the access would be onto an A road, with permission not being required for other properties nearby with accesses not onto a classified road. Be that as it may, these points do not outweigh the harm identified above or the conflict with the development plan.

Conclusion

20. For the reasons outlined above, the proposed development conflicts with the development plan taken as a whole. There are no other considerations which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR