



Appeal Decision

Site visit made on 15 February 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/T5150/W/22/3307056

112A Kenwyn Drive, Brent, London NW2 7NU

- 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 Emanuel Murlak against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/1929, dated 26 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is to construct a permeable type driveway in a part of a front garden area of the ground floor flat at 112A Kenwyn Drive. 112A flat has separate access and front garden separated from first floor flat 112B, which already has a driveway constructed in its own front garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - Highway safety, with specific regard to the provision of on and off-street parking, and the manoeuvring of vehicles in relation to the road junction.

Reasons

Character and appearance

3. The appeal site is a flat within a converted semi-detached dwelling on the corner of Kenwyn Drive and Tanfield Avenue. Off-street parking currently exists to the front of the building, and it is understood this is only for the use of Flat 112B. The application proposes off-street parking specifically for the use of Flat 112A on land to the front and side of the building.
4. The site of the proposal slopes upwards from the highway and is currently lawned. At the time of my visit, it was being used for the storage of various building materials.
5. The submitted details comprise only plan views of the proposal and sections showing the driveway construction detail. No details of elevations or gradients have been provided. The submitted plans illustrate engineering works would be required in the form of a retaining wall, which indicate the parking area would be levelled to some extent. However, I find the lack of elevation details to be a significant omission from the proposals. Such details are fundamental to enable

accurate determination of the proposals in terms of their visual effects on the character and appearance of the area, and it would not be appropriate to secure their submission via condition.

6. The proposed development would deliver additional hardstanding to the frontage of the dwelling. Although this part of the site currently appears run-down and under-utilised, it provides an area of greenery on a prominent corner in an area strongly defined by hardstanding, and accordingly provides some welcome visual relief. Though the proposal would retain some soft landscaping and incorporate permeable construction, the overall loss of this area, coupled with the lack of elevational details to determine the visual effects of the development, would have an adverse effect on the character and appearance of the area.
7. For the above reasons, the proposed development would be harmful to the character and appearance of the area and would conflict with Policies DMP1, BT2 and BT4 of the Brent Local Plan 2019-2041 (Adopted February 2022) (the BLP), which together seek, among other objectives, to ensure development provides high levels of internal and external amenity and compliments the locality, seeks to offset visual impacts and ensure proposals are visually acceptable. The proposal would also conflict with the guidance in the Residential Extensions & Alterations SPD2 (January 2018), which has similar aims.

Highway safety

8. The site lies close to the road junction of Kenwyn Drive and Tanfield Avenue. Kenwyn Drive features on-street parking on both sides along much of its length, except for where driveways exist to the front of properties. Most on-street spaces were occupied at the time of my visit.
9. Based on the site's Public Transport Accessibility Level (PTAL), the development plan seeks to provide a maximum of 1 parking space per dwelling. The proposed development would provide 2 off-street parking spaces, which would exceed the maximum sought by policy.
10. The development would involve the removal of 2 on-street parking spaces for the use of residents and visitors in a heavily parked street. I note an amended plan was provided following the refusal of planning permission that indicates only one on-street parking space would be lost. However, the revised plan omits several important details, including the position of the existing dropped crossing serving No 112B, and accordingly shows insufficient detail to demonstrate the scheme would be deliverable. I have therefore given this limited weight.
11. I acknowledge the adjacent parking area to the front of the building is not available for the use of the host property. However, I also note that a dropped crossing exists to the rear of the property from Tanfield Avenue, providing direct access to a garage on the land of the host property. I understand the garage is currently used only for storage, and it is unclear whether it currently provides a suitable parking facility. However, parking could be provided via the existing vehicular access if the garage were removed or relocated. The property therefore already benefits from the maximum parking provision supported under development plan policy, and the provision of additional spaces through the proposed development would conflict with this. Whilst I

note the appellant's statement that the policy standards are unrealistic, this appeal is not a forum for challenging the wording of adopted development plan policy.

12. Vehicles would need to either enter or exit the site in reverse, and whilst some motorists may choose to reverse on to the drive there is no reasonable mechanism to control such movements. Due to the presence of parked cars, visibility would be limited, and emerging vehicles would be likely to require the use of the centre of the carriageway to complete their manoeuvre. The position of the access means vehicles could be approaching the site from 3 directions: along Kenwyn Drive, and from both directions along Tanfield Avenue. There would be a particular concern in relation to vehicles turning right into Kenwyn Drive from Tanfield Avenue where, due to the angle of the junction, a sharp turn is required. However, more generally the presence of manoeuvring vehicles in such proximity to the junction would lead to conflict with vehicles from both directions on Tanfield Avenue turning into Kenwyn Drive, and the potential for traffic to be backed up at the junction. The risk of collision in these instances would therefore be considerable.
13. For the above reasons, the proposed development would be harmful to highway safety and would conflict with Policies BT2 and BT4 of the BLP, which together seek, among other objectives, to provide parking consistent with policy standards, to ensure proposals do not lead to the loss of parking spaces on heavily parked streets, and to ensure new accesses are safe.

Other Matters

14. The appellant has referred to the Council's comments in the officer report regarding a fire statement. I note the Council has confirmed these details could be secured by condition in the event of planning permission being granted, and accordingly I concur this would not be a determinative matter.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR