

Appeal Decision

Site visit made on 14 June 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/T5150/D/23/3317722
114 Brondesbury Road, London NW6 6RX

- 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 Himesh Patel against the decision of the Council of the London Borough of Brent.
 - The application ref. 22/3550, dated 14 October 2022, was refused by notice dated 15 December 2022.
 - The development proposed is *"Formation of vehicle crossover, installation of a dropped kerb and alterations to front boundary wall together with the provision of new hard and soft landscaping to dwellinghouse"*.
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Decision

1. The appeal is dismissed.

Preliminary matters and planning policy

2. Paired with no. 112, no. 114 is a semi-detached house on the southern side of Brondesbury Road, a mainly residential street, near its junction with Brondesbury Villas. It falls within the Kilburn Conservation Area (KCA). On-street parking hereabouts is affected by a Controlled Parking Zone (CPZ) so that only holders of permits are entitled to park on the street between 08.30 and 18.30 hours, Mondays to Fridays. The appeal site stands in an accessible location, with a very good rating of 5 in terms of its Public Transport Accessibility Level (PTAL). Public transport connections are situated nearby as are local shops and services.
 3. The determination of the appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Brent Local Plan 2019-2041 (BLP) and the London Plan 2021 (LP). There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, a designated heritage asset. The National Planning Policy Framework (the Framework) expects such assets to be conserved in a manner appropriate to their significance, with any harm to, or loss of, significance requiring clear and convincing justification. It explains that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The Council's Delegated Report (DR) quoted sections from the Kilburn Conservation Area Character Appraisal (KCACA) which I have had regard to.
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Main issues

4. The main issues are firstly, the effects of the proposed alterations upon the character and appearance of the site and the KCA and secondly, the implications of providing a new off-street parking space at the appeal dwelling in relation to the sustainable transport principles around the Council's parking standards.

Reasons

5. Nos 112 and 114 address the road in the traditional manner behind enclosed front gardens and have attractive front elevations with advanced 2-storey bays and high-quality architectural detailing. These buildings are typical of the well-preserved domestic architecture that, along with the grid-like pattern of wide tree-lined streets, lends significance to the KCA.
6. It is proposed to construct a dropped kerb to facilitate a single car parking space in the front garden on a permeable paved surface. The scheme would require the removal of a section of the low front boundary wall and the pedestrian metal gate within it to create the vehicular access.
7. Even though the wall and pedestrian gate on the property's front boundary are not in the best condition and a pre-existing hedge behind them has been removed for whatever reason, these remaining physical features still enclose the front of the property in a visually appropriate and traditional manner. Shrubs and plants are evident especially close to the boundary with no. 112 and directly in front of the bay. I am satisfied that the front garden and its enclosure make a positive contribution to the character and appearance of the KCA.
8. Looking across the street scene nearby in the KCA on the same southern side of the road between the junctions with Brondesbury Villas and Woodville Road (so nos 76-116), only 6 of the 21 properties (about 28.6%) benefit from driveways. As they are few in number, they do not make a telling contribution to the character and appearance of the KCA when viewed in the round. The majority are without driveways and display low front boundary walls and hedges. Those front boundaries are no longer consistent or wholly uniform in the sense of being perfectly matched but they are all intact and many of those front gardens contain planting. As a result, the settled visual continuity and enclosure to this street frontage that the retained front gardens and boundary treatments provide makes for an attractive and locally distinctive street scene within the KCA.
9. At Section 1 in Appendix 2 of the appellant's statement it is shown that of the 44 houses closest to no. 114 on both sides of the road, 27 (61.4%) have off-street parking with most of those being double driveways. This is an accurate survey but half (22) of those properties, where 19 of those driveways are located, lie beyond the south-western edge of the KCA. Only 8 of the 22 (36.4%) in the KCA have driveways. This severely limits the weight that can be attached to the Section 1 survey. I noted the 4 double driveways closest to no. 114 but from the information before me, it appears that the one at no. 116 was approved in the late 1980s well before the current development plan, those at nos 103 and 106 have been in place for at least 15 and 22 years respectively without the benefit of planning permission, whilst the conjoined building at nos 109/111 lies outside the KCA.

10. The situation is not comparable to the site at 67 Exeter Road under appeal decision ref. APP/T5150/D/20/3248690 submitted at Appendix 8 of the appellant's statement. The Inspector, in that case, found the properties along the street are primarily characterised by, amongst other things, their front driveways. That was a different street scene in a different conservation area and carries very limited weight in the context of this appeal in the KCA.
11. As construction projects go the single driveway might well be modest, a relatively small part of the front boundary wall would be removed and a 50/50 balance between soft and hard landscaping would be offered, but this settled part of the street scene, of which no. 114 is a part, would still be disrupted by the appeal scheme. The vehicular crossover would enable a vehicle to enter onto and park within the front garden close to the property's front elevation dominating the front façade, the pedestrian gate and some of the front boundary wall would be removed, the boundary walling that would remain would no longer appear reasonably well balanced across the frontage and the permeable paving would lack the visual interest and softness of the existing planted area in front of the bay. Whilst some existing soft landscaping could be retained and no doubt be added to in response to a planning condition, this would not overcome the harm resulting from the disruption to the visual continuity and enclosure to the street frontage and wider street scene that the appeal scheme would cause.
12. There would be a lasting adverse and incongruous impact on the street scene and this in turn would undermine the valuable contribution it makes to the quality of the KCA. The quality of the street scenes is one of the characteristics from which the KCA derives its significance. The character and appearance of the KCA would not therefore be preserved or enhanced. The scheme could legitimately result in neighbouring occupiers seeking to do the same. The collective disruption to other front gardens and front boundary features in the immediate conservation area would compound the harm I have identified. One has only to observe the properties along Brondesbury Road to the south-west of the KCA to see the disruptive impact caused by a series hard surfaces, vehicular accesses and parked cars in front gardens. Indeed, after reading the sections in the Council's DR taken from the KCACA and from what I observed, it seems to me that the conservation of front gardens and their boundary enclosures is crucial to preserving the character and appearance of the KCA.
13. In the Framework's terms, the harm to the significance of the conservation area as a designated heritage asset would be less than substantial. I have studied the appellant's own personal statement. I note that the appellant wishes to purchase and use an electric vehicle in the near future and have a convenient layout for the charging cables. I do not dismiss this aspect of the proposal lightly but it is not clear as to whether that could be classed as a public benefit and in any event, even if it could, it does not outweigh the harm to the conservation area that I have found, to which I must attribute great weight. Moreover, it would not be reasonable to restrict the use of the off-street parking space to electric vehicles only. Whilst it would be a matter of choice for the appellant as to whether the rear outbuilding is put to use a garage for which it is apt or kept as a gym and store, it does at least present itself as an alternative for the parking and charging of an electric vehicle, as there is an access off Brondesbury Villas.

14. I find on the **first main issue** that the proposed alterations would fail to preserve or enhance the character or appearance of the site and the KCA. This would conflict with BLP Policies DMP1, BD1 and BHC1. Taken together, these policies seek to ensure that all new development is of the highest architectural and urban design quality, complements the locality and conserves and where possible enhances the significance of designated heritage assets and their settings. The scheme disrespects the Framework insofar as it relates to achieving well-designed places and conserving and enhancing the historic environment.
15. Driven by BLP Policy BT2 and LP Policy T6.1 and Table 10.3, the Council seeks to secure car-free development in places that are (or are planned to be) well-connected by public transport, which would include sites like the appeal property where there is a very good PTAL rating of 5. The proposal would be plainly contrary to these up to date policies on residential parking and car-free development.
16. The scheme would see the loss of an on-street parking bay within the CPZ. The appellant indicates that, as a result, there would not be a net increase in parking along Brondesbury Road. However, this does not overcome the in-principle objection to the creation of a new off-street parking space where it is not necessary. In an area of parking pressure, the on-street parking space, if retained, could be more flexibly used by residents of or visitors to the area. Moreover, there would be nothing in place to stop the existing and future occupiers of the property reusing the rear outbuilding as a garage at some point. This would lead to a scenario where there would be 2 on-site parking spaces far in excess of the current car-free standards.
17. Planning permission was granted for a new vehicular access at 131 Brondesbury Road in February 2013 under ref. 13/0051. This site lies next to Salusbury Road and has a higher PTAL rating of 6a. Even so, the development plan background would have been totally different over 10 years ago. It does not therefore form a compelling precedent to be followed. That the scheme must be determined against the current development plan also applies to the representations about the permission at nos 109 and 111 (ref. 16/1788, granted in August 2016) and the earlier refused application at the appeal site (ref. 21/2778, refused in October 2021).
18. Sustainable transport principles now place emphasis on only providing car parking spaces where they are necessary. The LP explains that as the population grows, a fixed road network cannot absorb the additional cars that would result from a continuation of current levels of car ownership and use. To succeed the strategy to control parking must be a long-term one and applied consistently to large proposals and minor ones like this, even when in so doing the changes to car use and ownership, traffic congestion and climate change might seem negligible. The benefits of the strategy would accrue on a cumulative basis over a period of time.
19. I find on the **second main issue** that the adverse implications of providing a new off-street parking space at this accessible appeal dwelling in relation to the sustainable transport principles around the Council's parking standards would be in conflict with BLP Policy BT2 and LP Policy T6.1.

Conclusion

20. My findings on the main issues are decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR