



Appeal Decision

Site visit made on 24 May 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/M5450/W/22/3312580

Flat 1, 54 Wellesley Road, Harrow HA1 1QN

- 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 Maciej Hejnold against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1446/22, dated 2 April 2022, was refused by notice dated 9 August 2022.
 - The development proposed is described as "construction of a pavement crossover opposite the property".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the banner heading above is that given on the application form. However, the Council's description of development used on the decision notice also refers to a new bin enclosure, new gate and piers, resurfacing of front garden, new tiled pathway, new ramp, granite setts rumble strip and an electrical charging point. These works are shown on the submitted plans and the appellant has also referred to this description on the appeal form. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development on highway safety, with particular regard to the free flow and safety of pedestrians and cyclists;
 - Whether the proposed development would provide adequate refuse storage; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site relates to a two storey, mid-terrace property on Wellesley Road, which has been sub-divided into 3 flats. The property benefits from a small front garden, which is currently enclosed by a low fence and is used for the storage of refuse bins. The surrounding area is predominantly residential and is characterised by terraced housing of similar styles. I observed that a

number of properties in the local area have a parking space at the front of the property.

Highway Safety

5. Policy DM42 of the Harrow Development Management Policies Local Plan 2013 (DMP) states that the design and layout of parking areas should be safe, secure, and fit for purpose. The policy also states that priority should be given to pedestrians and cyclists.
6. The Residential Design Guide Supplementary Planning Document 2012 (RDG SPD) provides further guidance and states that a parking space should be sited at a right angle to the road, preferably set away from neighbouring boundaries, leaving sufficient space for landscaping and be adjacent to a pathway between the highway and the front door.
7. I note that there is sufficient width within the site to provide a parking space, pathway, and bin storage. However, the proposed plans indicate that there is insufficient depth within the front garden to accommodate a parked vehicle without resulting in the potential encroachment into the public highway. Whilst the appellant has provided a plan which shows a very small car parked within this area, the maximum depth of this area is only some 3.8m, which is significantly less than the 4.8m requirement for a standard parking space. As such, due to its insufficient depth, it is likely that any parked car would overhang onto the adjacent footpath causing an obstruction to pedestrians and cyclists. This would be detrimental to the free flow and safety of pedestrians and cyclists using the footpath.
8. My attention has been drawn to Paragraph 1.6 of the Council's Accessible Homes Supplementary Planning Document 2006 (AH SPD) which states that many houses in Harrow have forecourts that are large enough to achieve some car parking. Whilst there is no dispute that the principle of providing a vehicle crossing and parking area is acceptable, regard must still be had to the size and suitability of any such provision based on the circumstances of the case.
9. The AH SPD outlines that the minimum size for a wheelchair parking bay is 3.6m wide by 4.8 m deep, which can be reduced to 2.4m wide by 4.8m deep where it is adjacent to a 1.2m wide footway. This also aligns with government guidance in the Manual for Streets (MFS) which sets out the recommended dimensions for off-street parking bays of at least 2.4m wide by 4.8m deep. These guidance documents, allow for some flexibility in terms of width, but do not suggest that a reduction in length would be appropriate.
10. In support of their case, the appellant has suggested that a standard hatchback car measures 3.6m in length, which could be accommodated within the front forecourt. However, this claim is not supported by any specific substantive evidence for me to consider. In any case, it would be difficult to control the size of vehicle that would use the parking space.
11. The appellant claims that a precedent has been set and that the Council has failed to take account of the existing parking arrangements on Wellesley Road, which contains many terraced properties with similar depth of front gardens. However, whilst I do not disagree that many properties on Wellesley Road have parked cars using front forecourts, I am unable to be sure about the dimensions of these parking areas and I did observe a number of vehicles

parked in such a way that they overhang onto the footpath, causing an obstruction. Furthermore, I have not been provided with details of any planning applications for these arrangements. As such, there is insufficient information to determine whether the sizes of parking spaces for those examples are comparable to the appeal proposal.

12. I acknowledge that the introduction of an electric vehicle charging point would contribute to moving towards low emission green energy, improving air quality by reducing greenhouse gas emissions and would contribute to mitigation and adapting to climate change. These benefits although welcomed are limited in the context of the scale of the proposed development.
13. Whilst the above benefits are noted, without a suitable mechanism to control the dimensions of a car using this space, I am not persuaded that the depth of the parking space is sufficient to accommodate a parked vehicle without adverse impacts on the users of the adjacent footpath. Furthermore, in providing access to this parking space it would be necessary to alter the existing on-street parking bay, leading to a reduction in on-street parking provision.
14. Consequently, I therefore conclude that the proposed development would have a harmful effect on highway safety, with particular regard to the free flow and safety of pedestrians and cyclists. This would be contrary to Policies T3 and T6.1 of the London Plan 2021 and Policy DM42 of the DMP. These policies seek, amongst other things, to ensure that the design and layout of parking areas should be safe, secure and fit for purpose. These policies also prioritise the safety and convenience of pedestrians and cyclists.
15. The proposed development would also conflict with guidance contained with the RDG SPD, which states that the design and layout of the development should ensure that it does not dominate the site or take precedence over the needs of pedestrians and cyclists.

Refuse Storage

16. Policy DM45 of the DMP states that development should provide satisfactory storage volume to meet the waste material arising from the site.
17. The proposal would involve refuse and recycling bins being located on the forecourt of the property, enclosed by a brick-built enclosure. The submitted plans indicate storage would be provided for 4 bins. However, the plans approved for application P/726/06/DFU, require the site to be able to accommodate seven refuse bins in the front garden with accessibility to the street to allow for servicing. I have not been provided with any information to demonstrate where the additional bins would be stored. Furthermore, the application does not demonstrate how the bins would be made accessible for scheduled collection.
18. Therefore, I conclude that the proposed development would fail to provide adequate refuse storage to serve the existing flats. This would be contrary to Policies D3 and D6 of the London Plan 2021 and Policies DM1 and DM45 of the DMP. These policies require, amongst other things, provision of satisfactory storage volume to meet the waste material arising from the site.

19. The proposal would also be contrary to the guidance contained within the RDG SPD which states that development should make satisfactory arrangements for the storage and collection of recycling and waste.

Character and Appearance

20. The proposal would cover the front garden in hardstanding, with no obvious space for soft landscaping. As a result, the extent of hardstanding, together with the provision of refuse storage and presence of a parked vehicle would be highly prominent in the street scene.
21. When I visited the site, I observed that there are numerous examples on Wellesley Road of front gardens that have been hard surfaced to accommodate vehicle parking spaces and refuse storage. My attention has also been drawn to further examples of similar development within the local area, which includes the provision of refuse storage within the front gardens. However, I have only been provided with limited details of these schemes.
22. I accept that it is generally accepted that bin storage can be sited within a front garden, where there is no other feasible option, which I agree is the case for the appeal site which contains 3 flats. Therefore, in general terms the principle of the proposed development would be consistent with neighbouring development. However, many of these examples do not positively contribute to the character of the area, resulting in a cluttered appearance, which is harmful to the character and appearance of the area.
23. Whilst I agree that the materials that would be used for the proposed bin enclosure, gate and piers, tiled pathway and rumble strip, would not cause harm to the character and appearance of the host dwelling and the surrounding area and I also acknowledge that the electric charging point would also be concealed behind the bin enclosure, so it would not be visible from the street. However, the proposed development, when viewed as a whole, would result in a cluttered appearance that would not be screened with any soft landscaping. This would be detrimental to the character and appearance of the host property and surrounding area. Accordingly, the proposed development would fail to provide a high quality of development.
24. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. This would be contrary to Policy D3 of the London Plan and Policies DM1 and DM45 of the DMP. These policies seek, amongst other things, to achieve a high standard of development that is not detrimental to the character and appearance of the area or would result in adverse visual impact.
25. The proposal would also be contrary to the guidance contained within the RDG SPD which states that poorly designed, intrusive, or inadequately sized facilities give rise to adverse visual impact and will not be acceptable.

Other Matters

26. I have had regard to the appellant's supporting statement with regard to Paragraphs 119, 120, 124 and 125 of the National Planning Policy Framework (the Framework) which seek to promote the effective and efficient use of land. This is echoed on Policy GG2c of the London Plan. I also acknowledge that the appellant considers that the current front forecourt is grossly underused, and that its existing design is unsustainable to the applicant and that the formation

of the vehicular access would therefore ensure the forecourt is used to its full potential. However, the benefits of utilising this existing forecourt are limited and do not outweigh the harm identified in respect of highway safety, provision of adequate refuse storage and to the character and appearance of the area.

Conclusion

27. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR