



Appeal Decision

Site visit made on 27 June 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/T5150/W/22/3313078

15A and 15B Greenbank Avenue, Brent, Wembley HA0 2TF

- 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 Dias Wincey against the decision of London Borough of Brent.
- The application Ref 22/1358, dated 12 April 2022, was refused by notice dated 21 June 2022.
- The development proposed is new front driveway and crossover on the public highway.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the design of the proposed off-street parking and crossover would accord with local policies with regard to visual amenity and highway safety.

Reasons

3. The appeal site is occupied by a semi-detached property, along a residential cul-de-sac. This property incorporates a modest sized and enclosed frontage.
4. The Council does not have any, in principle, objection to the removal of the existing front boundary treatment to allow the use of part of the frontage for an off-street vehicle parking space.
5. However, the design of the proposed off-street parking needs to comply with Council's Domestic Vehicle Footway Crossover Policy ('Crossover Policy'). In this regard, the minimum depth required for a frontage to ensure that it will not lead to vehicles overhanging the footway is 4.8m, which is a standard bay length that caters for the majority of cars currently on the market
6. The maximum depth of the front garden in this case falls short of 4.8m. As such, the proposal is likely to lead to vehicles overhanging the public highway. Indeed, I observed that where there is off-street parking along Greenbank Avenue with frontages of a similar depth to that of the appeal site, there was some evidence of vehicles overhanging the footway.
7. To compensate for the limited depth of the frontage, the proposed drawings show that the parking space is aligned at an angle to the highway.
8. Although the frontage is used for bin storage and there is a street tree nearby, I observed that there are other similar arrangements in the cul-de-sac, where vehicles occupying off-street parking spaces were parked at an angle to the highway. There is also good visibility on both sides of the appeal site. As such,

I am not persuaded that the proposed parking space, despite being aligned at an angle would be unacceptably difficult to manoeuvre in and out of.

9. Whilst the forecourt is proposed to be soft landscaped, the extent of this falls significantly short of the minimum 50% requirement set out in Policy BT2 of the Brent Local Plan, adopted February 2022, ('LP'). However, Section 22 of the Crossover Policy specifies a 30% soft landscaping requirement for properties with narrower frontages less than 8.4m wide, as in this case. As such, there appears to be some flexibility in relation to the provision of soft landscaping.
10. The proposed scheme includes an area of soft landscaping over part of the frontage and the remainder would be completed in permeable paving. Consequently, the proposed frontage would be free draining. Moreover, in the context of the existing enclosed frontage and the wider street scene, where frontages are mainly hard surfaced with little or no soft landscaping, the proposed scheme would enhance the appeal site and positively contribute to the street scene. Therefore, the proposal would be acceptable with regard to visual amenity.
11. The proposed crossover would be positioned to avoid the street tree, with a minimum width of about 2.4m. In my view, it would be difficult to park two cars in front of the proposed crossover, without one of these overhanging one of the driveways either side of the appeal site. As such, in practice, the proposal would only result in the loss of one on-street car parking space. In this respect, the proposal would accord with part c) of Policy BT4 of the LP, which requires that on heavily parked streets, the proposal does not result in the loss of more than one on-street car parking space.
12. Nevertheless, and although the appellant advises that his vehicle is less than 4.8m in length and on the submitted drawing this would appear to fit the appeal site, there is no certainty that the appellant would retain the same sized vehicle and that any future occupier of the appeal property would also use a similar sized vehicle. Furthermore, because of the nearby street tree, the footway near the appeal site is already constrained. Therefore, any vehicle overhang would significantly obstruct this part of the footway for pedestrians.
13. The Council's Crossover Policy does allow for the provision of a frontage which is less than 4.8m deep, but only if the following criteria are met: the frontage is an absolute minimum of 3.8m deep, and the applicant is willing to enter into a legal agreement that restricts the size of vehicle that can be parked on the forecourt to fit within the available space. The agreement binds future occupiers of the property to the same restriction. Whilst the appellant is willing to enter into such an agreement, this has not been provided.
14. Accordingly, I cannot be certain that the proposal would not result in a vehicle overhanging the adjacent footway and obstruct pedestrians. Therefore, I conclude that the proposed off-street parking and crossover would fail to safeguard highway safety.
15. Consequently, overall, the proposal would conflict with Policy BT4 of the LP, which requires that access would be safe having regard to the council's cross over guidance. The proposal also conflicts with Policy BT2 of the LP, which says that additional parking provision should not have negative impacts on highways.

Other Matters

16. The appellant argues that planning permission would not be required for the proposal if the appeal property was occupied as a dwellinghouse. However, the appeal property comprises two flats, and planning permission is required and needs to be assessed in light of the development plan and other considerations. Therefore, this argument is of limited consequence.

Conclusion

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

M Aqbal

INSPECTOR