



Appeal Decision

Site visit made on 1 August 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 August 2023

Appeal Ref: APP/T5150/W/2/3307495

5 Court Parade, Wembley HA0 3HY

- 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 Prashad Jaitley against the decision of the Council of the London Borough of Brent.
 - The application Ref: 22/1335 dated 4 April 2022, was refused by notice dated 19 August 2022.
 - The development proposed is outbuilding to serve light industrial for storage of online sales goods.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The first reason for refusal on the Council's decision notice refers to the effect of the proposal on the *setting* of the Sudbury Court Conservation Area, whereas the information provided shows that the appeal site lies within the Conservation Area. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out in respect of development within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I have therefore considered the effect of the proposal on the character and appearance of the Sudbury Court Conservation Area, rather than on its setting.
3. I have noted that I determined an earlier appeal on the frontage building, which is referenced in the Planning History of the Council's report, under the Council's reference 19/3019. I do not consider that this has any bearing on the appeal now before me.
4. It is my understanding from the information provided by the Appellant that the appeal site is in separate ownership to the rest of 5 Court Parade. I can understand the Council's concerns in this regard, particularly in respect of the servicing arrangements for the frontage commercial unit. However, in the absence of any other information in respect of this land split, I am required to consider the appeal on the basis that it has been submitted, that is for the land at the rear, separate to the building at 5 Court Parade.

Main Issues

5. The main issues in this appeal are:

- a) The effect of the proposal on the character and appearance of the local area, including the Sudbury Court Conservation Area,
- b) Whether adequate servicing arrangements would be provided to protect traffic flows and highway and pedestrian safety, and
- c) Whether the proposal would meet Fire Strategy requirements.

Reasons

Issue a) Character and appearance

6. The appeal site is a parcel of land at the rear of 5 Court Parade with pedestrian and vehicular access off Wakeling Lane. This is a public highway which leads from Pasture Road in the east round to Watford Road and from which access and servicing is provided to the land at the rear of units in Court Parade. At the time of my site visit, the appeal site was in use for car storage / car sales. The land at the rear of the properties in Court Parade fronting Watford Road and turning into East Lane appears varied comprising open yards as well as built garages, buildings and structures, all with access off Wakeling Lane.
7. The proposal would introduce a part single and part two storey commercial building onto the site. The application forms indicate that it would be brick built with a flat roof, that would be a sedum roof. It would be of a modest height which the Council has calculated to be some 4.5m.
8. As set out above, there is a wide range of both open yards and buildings and structures at the rear of Court Parade. I consider that, given its proposed dimensions, the proposed building would be of an appropriate scale for the size of the plot. It would also be sited at a sufficient distance from the main frontage building and would appear ancillary in scale and form as well as in its siting to the main buildings forming Court Parade. It would be appropriately designed to be accommodated on the plot, and details of the materials and sedum roof could be reserved out by condition to ensure a high quality appearance.
9. Although not completely clear, the Council appears to have a concern with the flat roof proposed. Whilst I acknowledge that pitched roofs are a characteristic feature across the local area, the use of a flat roof would not in my view be inappropriate in the context of the siting within the service area where there are a variety of buildings and structures. Furthermore, it would enable the building to maintain an appropriate scale, and the use of a sedum roof would, in principle, be welcomed both in design terms as well as for its potential environmental benefits.
10. Views of the building would be available from both along Wakeling Lane as well as from the entrance on Pasture Road. However, in such views it would be an appropriately scaled building in relation to the larger built form of Court Parade as well as the variety of buildings and structures that already exist at the rear of Court Parade. Although the majority of the buildings and structures are single storey there is at least one example of a significantly taller structure.

Taking into account the wide range of buildings and structures found in the immediate vicinity, as well as the modest height of the proposed building, I am satisfied that it would respect the street scene and local context.

11. I have been provided with the Council's Design Guide for the Sudbury Court Conservation Area. This confirms the significance of the designated heritage asset of the Conservation Area to be focused on the planned estate by Comben and Wakeling in the 1920s comprising predominantly semi-detached houses with spacious siting on generous width roads. Many of the residential dwellings share similar features and materials, including black and white timbering to the first floor and bay gables. I do not know whether Court Parade was originally part of the same planned estate, but it includes many of the same decorative features across the front elevations of the Parade, as seen on the individual houses. It appears to have been designed to be and still today is an imposing composition at the main road junction. The rear is seen as accommodating ancillary buildings, structures and open yards in relation to the frontage buildings.
12. As set out above the proposed building would be seen in views from within the Conservation Area, but its modest scale would ensure that it would remain subservient in massing terms to the frontage buildings. It would therefore continue to be seen as an ancillary form relating in scale and form to the service buildings, structures and yards at the rear of Court Parade. I am therefore satisfied that it would not harm the significance of the designated heritage asset.
13. I therefore conclude that the proposal building would preserve the character and appearance of the local area and of the Sudbury Court Conservation Area. There would be no conflict with Policies DMP1 and BHC1 of the Brent Local Plan (Local Plan) and the Supplementary Planning Documents 1 – Brent Design Guide 2018 (SPD) as well as the National Planning Policy Framework (Framework), with particular reference to Sections 12 and 16, all of which amongst other matters seek a high quality of design which respects the local context and the significance of heritage assets.

Issue b) Servicing and Highway Safety

14. As set out above, I have considered the proposed access and servicing arrangements, solely in respect of the proposed unit the subject of this appeal. The proposed plan shows an area off the rear service road for parking and deliveries but there is no further information provided about how this would be laid out to accommodate both parking and deliveries as well as access for pedestrians and cycle parking provision. Furthermore, the depth of the space shown would be inadequate to accommodate even a standard car, and any delivery vehicle would need to park across the highway as there would be inadequate depth to be accommodated within the site. There would therefore be inadequate servicing arrangements for the proposed unit, and any vehicles servicing the building would need to stop partly over the highway. This would cause an obstruction to other vehicles and pedestrians seeking to use Wakeling Lane, which would impede traffic flows and potentially be a danger to highway and pedestrian safety.
15. I therefore conclude that the proposal would not incorporate adequate servicing arrangements and that the proposals as submitted would impede traffic flows along Wakeling Lane and potentially be a danger to highway and pedestrian

safety. This would conflict with Policy T7 of the London Plan and Policies DMP1 and BT3 of the Local Plan, all of which amongst other matters seek a high quality of design with appropriate servicing facilities to serve new developments.

16. The Appellant has indicated that this concern could be easily overcome but it has not been demonstrated how this would be achieved. I cannot therefore give this suggestion any weight in my decision.

Issue c) Fire Strategy

17. Policy D12 of the London Plan seeks to ensure that all development proposals achieve the highest standard of fire safety. The development does not fall into the category of a major development proposal for which a Fire Statement is required under Part B, but Part A of the policy relates to all development proposals and sets out criteria to ensure that the high standards of fire safety can be achieved. Although the Appellant has suggested that one can be provided, no relevant information has been provided either at the application or the appeal stage.
18. The proposal as submitted has not demonstrated compliance with Policy 12 of the London Plan. I understand the Council's concerns that the design of the building should incorporate fire safety measures rather than being a later 'add-on'. However, and in the particular circumstances of this case and given the form of the building proposed I consider that were no other issues of concern and planning permission were to be granted, it would be possible to impose a condition which would require these matters all to be addressed. Such a condition would comply with the guidance at paragraph 56 of the Framework.

Conclusion

19. I have found that the proposal would respect the character and appearance of the local area and the significance of the designated heritage asset; it would preserve the character and appearance of the Sudbury Court Conservation Area. Furthermore, the absence of a fire strategy would not on its own justify refusal of planning permission. However, these findings do not override the material harm I have concluded to the lack of adequate servicing arrangements and that the proposals as submitted would impede traffic flows along Wakeling Lane and potentially be a danger to highway and pedestrian safety.
20. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR