



Appeal Decision

Site visit made on 9 February 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2024

Appeal Ref: APP/T5150/W/23/3328734

94A Strode Road, Brent, London NW10 2NH

- 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 Ms J Phillips against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/1535, dated 2 May 2023, was refused by notice dated 6 July 2023.
 - The development proposed is drop kerb and hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Policy DMP1 of the Brent Local Plan 2019-2041 (adopted February 2022) (LP) was not referenced in the reasons for refusal on the decision notice. However, the Council referred to Policy DMP1 in its officer report and its appeal statement. The appellant has been provided with a copy of the Council's evidence and would have had an opportunity to provide comments on Policy DMP1 during the appeal process. Therefore, I am satisfied that no prejudice would be caused to either party if I were to take Policy DMP1 into account in my consideration of the appeal.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

4. The main issues are:
 - whether the proposed development would comply with local car parking standards;
 - the effect of the development on highway safety; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Car parking standards

5. Strode road forms part of a Controlled Parking Zone (CPZ) where the majority of on-street parking is restricted to those with residential permits. From the evidence, and my own observations, there is significant parking pressure in the

area. A small number of dwellings near the appeal site have off-street parking spaces and a dropped kerb to the highway. However, this is the exception rather than the norm. The site has a Public Transport Accessibility Level of 5 and has very good access to public transport.

6. Taken together and amongst other things, Policy BT2 of the LP and Policy T6 of the London Plan (March 2021) (LonP) expect that car free development should be the starting point for all development proposals in places, such as the appeal site, that are (or are planned to be) well-connected by public transport. Given that the appeal property currently has no off-street parking provision, it accords with the maximum parking standards for the area in its existing condition.
7. The proposed development would introduce a new off-street parking space to serve the occupants of the appeal property. It would, therefore, exceed the maximum parking standards set out in Policy BT2 of the LP and Policy T6 of the LonP. Taken together, the supporting text to Policy BT2 of the LP and Policy T6 of the LonP explain that, amongst other things, parking is tightly controlled to prevent unnecessary car trips and enable movement around London.
8. I recognise that, even where there is very good access to public transport, some residents may still need or choose to travel by private car and, consequently, there is demand for car parking spaces in the local area. However, I am not persuaded on the basis of the evidence before me, that there are particular mitigating factors in this case that would justify an exception being made to the maximum parking standards. Consequently, there is clear conflict with Policy BT2 of the LP and Policy T6 of the LonP.
9. The proposed crossover would remove an on-street parking space that is currently available for use by all residents with a parking permit. Unlike the proposed development, the on-street parking space would be available for use at times when there is no car parked at the appeal property. Consequently, the loss of a resident's parking space would increase parking pressure on Strode Road and in the wider CPZ. This would cause undue harm given that parking pressure in the local area is already significant.
10. I conclude that the development would exceed local car parking standards. It would, therefore, conflict with Policy BT2 of the LP and Policy T6 of the LonP which, taken together and amongst other things expect development in areas that are well-connected to public transport to be car-free.

Highway safety

11. The proposed area of hardstanding would be less than 4.8 metres deep. Therefore, notwithstanding the dimensions of other existing on-plot parking spaces on the street, the proposed development would not meet the minimum space requirements set out in the London Borough of Brent Domestic Vehicle Footway Crossover Policy (V2 Revised December 2013) (Crossover Policy) and the Residential Extensions & Alterations SPD 2 (2018).
12. The proposed hardstanding would be deep enough to accommodate some types of vehicles including small cars. However, it would not be deep enough to enable larger cars and other vehicles to pull fully off the highway, clear of the public footway. Consequently, and in the absence of a reasonable and

enforceable mechanism to control the size of vehicles that could be parked at the site, the development could partially block the footway.

13. The footpath is not unduly narrow. However, its full width is required to ensure the safe passage of pedestrians along the street, including those with pushchairs and children, and with disabilities and reduced mobility. Consequently, any reduction in the width of the footway would cause an inconvenience to pedestrians. Moreover, in the event that pedestrians were forced to enter the vehicular carriageway to navigate around vehicles parked on the appeal site, there would be an unacceptable risk of conflict between pedestrians and vehicles. This would be contrary to a key objective of the Framework, which is to give priority first to sustainable travel modes, including pedestrian movements and to ensure that places are safe for all users.
14. The dimensions and layout of the proposed hardstanding would necessitate some manoeuvring into and out of the site in reverse gear. It is put to me that this would not carry a highway safety risk given that Strode Road is lightly trafficked and vehicles tend to travel at low speeds. However, from my observations the road is well-used and intervisibility between the appeal site and the highway is compromised by parked vehicles and a proximate tight bend in the road. Therefore, any increase in movements into and out of the appeal site, particularly in reverse gear, would carry an increased risk of vehicle conflict. Whilst the evidence indicates that historical vehicle accidents on the street are low, this does not negate the need to ensure that the development would be safe for all users of the highway.
15. I conclude that the development would increase risk to highway safety. It would therefore conflict with Policy BT4 of the LP insofar as it expects accesses onto a road to be safe, having regard to the Council's crossover guidance. There would also be conflict with Policy DMP1 of the LP insofar as it expects that development would not have an adverse effect on the movement network and would be safe and secure. Further conflict would arise with the Framework insofar as it seeks to prioritise sustainable travel modes and to minimise the scope for conflicts between pedestrians, cyclists, and vehicles.

Character and appearance

16. Strode Road is characterised, in part, by terraced rows of dwellings with front gardens. Other than a few exceptions, the boundary between the front gardens and the public footway and road are marked by low walls or railings. These boundary treatments create a clear edge between private and public spaces and are a distinctive feature of the area. There are many street trees and lampposts within the public footway, including in front of the appeal property.
17. The proposed development would necessitate the removal of the existing front boundary wall and the installation of block paving across the majority of the front garden area. Whilst this would increase the extent of hard surfacing on the site, only a very limited amount of planting would be removed to facilitate the development and some replacement planting is proposed. Moreover, a drain is proposed to manage any increase in surface water flow. Therefore, on the basis of the evidence before me, and my own observations of the site and surroundings, the development would be unlikely to result in a material decrease in soft landscaping, nor would it pose an undue risk to surface water flooding. In these respects, the development would protect the character and appearance of the area.

18. However, the loss of the existing front wall would exacerbate the erosion of front boundary treatments, which are a distinctive feature of the area and help to demarcate public and private space. Moreover, the construction of the proposed crossover would be tightly constrained given the position of both a tree and a lamp post in the footway in front of the appeal property. Given that both the lamp post and street tree are proposed to be retained, and in the absence of any authoritative evidence to the contrary, the construction of the crossover could harm the health and longevity of the tree through development within its root protection area. The tree may be recently planted; however, the Framework supports the retention of existing trees and the long-term maintenance of newly-planted trees, due to the contribution they make to the character and quality of urban environments and to climate change mitigation. Therefore, the loss of the tree without sufficient justification would cause unacceptable harm to the character of the street.
19. I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policy BT2 of the LP which, amongst other things, expects accesses and off-street parking to be visually acceptable (having regard to existing highway verges and trees affected). There would also be conflict with Policy BT4 of the LP insofar as it requires off-street parking to preserve any means of enclosure and trees that make a positive contribution to the character of the area. Further conflict would arise with Policy DMP1 of the LP and the Framework, which, taken together and amongst other things, expect development to be designed to complement the locality and to be sympathetic to local character.

Other Matters

20. The appeal site does not lie within a conservation area and is not a designated heritage asset. However, the absence of a statutory designation does not detract from the national and local policy requirements to ensure that development respects the character and appearance of the area.

Conclusion

21. The proposed development conflicts with the development plan when read as a whole. There are no material considerations before me to indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR