

Appeal Decision

Site visit made on 26 September 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Appeal Ref: APP/T5150/W/24/3340409

Store Haynes House, Haynes Road, Wembley, Brent HA0 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dinesh Sakonis against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3731.
 - The development proposed is the part demolition of existing storage building and erection of new storage building and erection of a studio flat at ground floor level showing a net gain of storage space of 37m² (existing storage 147m²; proposed storage 184m²).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether safe and suitable access arrangements would be provided;
 - The provision that would be made for cycle parking;
 - The provision that would be made for refuse;
 - Whether surface water drainage disposal would be adequate;
 - The provision that would be made to limit water consumption;
 - The provision that would be made for urban greening;
 - Whether appropriate fire safety measures and precautions would be incorporated; and
 - Whether appropriate living conditions would be provided for the occupiers of the proposed development with specific regard to outlook and light.

Reasons

Access arrangements

3. The appeal site is adjacent to Haynes Road which runs to the rear of a row of terraced properties fronting onto Ealing Road. Haynes Road partly functions as a service road for adjacent businesses. It has narrow sections with two sharp bends at either end of it. Sections of it are poorly surfaced, and there are no dedicated footpaths. Although there are some lights on buildings adjacent to it, Haynes Road is not served by dedicated streetlight columns. My own

observations on site, coupled with some of the evidence submitted, indicates to me that both Haynes Road and the courtyard area within the appeal site are heavily parked. I noted during my visit that in areas along and beside Haynes Road there were various waste and litter deposits and some metal girders which protrude above the road's surface.

4. Although some flatted accommodation is already accessed via Haynes Road, the proposal would introduce a further flat. The environment of Haynes Road as I have described above would present a number of hazards for the future occupiers of the proposed flat and any visitors to it. There is very clear potential for conflict between various highway users and a risk of injury to pedestrians and cyclists navigating the route given its shortcomings.
5. Consequently, given its prevailing condition and character, and even if there is not a record of accidents on it and highway users exercise caution, I find that Haynes Road would provide an unsafe and unsuitable access for the development proposed. Even for a low occupancy property, the access arrangements would be unacceptably deficient.
6. As a result, the proposal would conflict with Policy BT1 of the Brent Local Plan 2019-2041 (BLP). Amongst other matters, this policy seeks to ensure that the public realm meets healthy street principles and provides access for all. Although it is not referenced within the Council's third reason for refusal, BLP Policy DMP1 is before me. This policy requires development to be satisfactory by providing a means of access for all, by providing necessary physical infrastructure and by being safe and secure. The proposal would conflict with this policy as well. The Council has cited conflict with BLP Policy BT3. However, as this policy is principally concerned with new servicing provision, with a particular emphasis on freight facilities, it is largely irrelevant to the harm I have identified, and I find no conflict with it.

Cycle parking

7. Although cycle parking would be provided within the proposed flat's garden, it would be accessed via a narrow and gated route beside the proposed storage building. The Council has submitted to me that this access route would be narrower than that which relevant guidance¹ referenced within London Plan (LP) Policy T5 recommends.
8. I have been provided with no substantive evidence that the Council's measurements are inaccurate, nor any evidence which counters its assertions that the proposal would fail to meet the relevant guidance. In such circumstances, I find that the access to the proposed cycle parking would be deficient. This would serve to deter the use of the cycle parking and, in turn, present a barrier to cycling as a sustainable transport option for the future occupiers of the proposed flat.
9. Consequently, the proposal would conflict with Policy BT2 of the BLP and Policy T5 of the LP which, together, require developments to provide parking consistent with relevant parking standards, to remove barriers to cycling and to secure the provision of cycle parking which is fit for purpose.

¹ London Cycling Design Standards

Refuse

10. During my site visit, I noted that there were some bins within the appeal site, but which properties they serve was not clear to me. The amount of waste and litter in the immediate surroundings of the appeal site has a detrimental effect upon the area's character and indicates to me that there are existing problems with fly-tipping and the proper disposal of, or collection of, waste.
11. The appellant has submitted that a private contractor would be utilised to dispose of refuse and could collect it from Haynes Road. However, I have very limited details before me in this regard including in respect of the frequency with which this would take place and the vehicles which would be utilised. Given this, the area's current waste problems and the narrow nature of Haynes Road which would negate the use of certain refuse vehicles, I have little assurance that refuse would be effectively collected.
12. Furthermore, although the proposed ground floor plan indicates some bins, it is not clear what proportions of the bin provision would be for the proposed flat or for any business purpose. There is also very limited information before me in respect of the provision made for recycling as opposed to general waste. This all results in me having very little confidence that appropriate provision would be made for refuse within the proposed development. Without it, the development would be likely to contribute to the subsisting waste problems in the area and further detract from the area's character.
13. Neither Policy BT2 of the BLP nor T5 of the LP provide a steer in regard to refuse or waste matters and so they are not very relevant to the harm I have identified. However, BLP Policy DMP1 is before me, and this requires that development is provided with its necessary infrastructure and would not contribute to an unacceptable increase in waste. For the reasons I have set out, the proposal would be contrary to DMP1.

Surface water drainage

14. BLP Policy BSUI4 states that substantial weight will be attributed to the achievement of greenfield runoff rates for surface water. The policy further sets out that minor developments should make use of sustainable drainage measures wherever feasible and must ensure separation of surface and foul water systems.
15. I visited the site on a very wet day. Haynes Road contained some large pools of standing water. However, evidence already submitted by the Council also refers to such standing water. This, together with the poor surface conditions beside the appeal site, indicates to me that surface water pooling is likely a quite frequent problem and what I witnessed during my visit was not a very rare occurrence solely due to the weather on that particular day. Given these subsisting surface water drainage conditions it is particularly important that the proposed development's drainage is designed to function effectively as, otherwise, the evident surface water drainage issues could worsen.
16. Very little detail is before me in respect of either existing or proposed drainage, but the planning application form sets out that surface water would be disposed of via a main sewer and not a sustainable drainage system. Therefore, as submitted, the proposal includes no sustainable drainage measures nor any

assurances that the proposal would set out to achieve greenfield surface water run-off rates.

17. The appellant suggests that drainage is a matter that could be resolved through the imposition of a condition. However, even the broad principles of what would be proposed as a part of any future drainage scheme are not before me including whether there is an intention to incorporate sustainable drainage measures or the extent to which surface water run-off rates would be restricted.
18. In such circumstances, and in the context of the area's prevailing drainage conditions, there is considerable uncertainty in my mind that the proposed development would be adequately drained or adequately drained with only relatively minor alterations to the scheme. Therefore, I find that the imposition of a condition to resolve surface water drainage would be inappropriate.
19. As a result, I conclude that the surface water drainage disposal would be inadequate and that the proposal would be in conflict with Policy BSUI4.

Water consumption

20. Policy BSUI4 of the BLP also states that substantial weight will be afforded to the target for mains water consumption of 105 litres or less per person per day.
21. Whilst, like drainage, I have very limited detail before me in respect of limiting mains water consumption, this is a matter which could be addressed through the particular fittings and fixtures utilised in the development. This could be achieved without any substantive alterations to the development proposed. As a consequence, and had I been minded to allow the appeal, this matter could be resolved through the imposition of a condition.
22. Therefore, I am satisfied that provision would be made to limit the water consumption of the proposal. In this particular respect, the proposal would accord with Policy BSUI4.

Urban greening

23. Upon completion of the development, an existing storage unit would be replaced with a garden which would serve the proposed flat. Consequently, the proposal would introduce onto the appeal site an area of land which would be largely soft-landscaped. A net gain in soft-landscaped land within the bounds of the appeal site would be achieved.
24. Had I been minded to allow the appeal, a condition could have been imposed which would permit a detailed landscaping scheme to be submitted, agreed and implemented. I have no substantive evidence before me that through the provision of the aforementioned garden an urban greening factor of 0.4, as required by Policy BH4 of the BLP, could not be achieved. In such circumstances, and with the imposition of a condition, I find that the provision which the development would make towards urban greening would be acceptable and compliant with Policy BH4.

Fire safety

25. The existing storage units are constructed of an array of building materials which includes timber, and they are attached to the building containing the existing flat and food pre-preparation area. Indicating that the storage units are

at capacity, some items were piled on top of the storage units rather than being within them.

26. Upon completion of the development, the existing storage units would be replaced with a new largely brick-built building with greater storage capacity. It would also be a detached unit. I find that through the provision of a modern more fit for purpose detached building, the proposal would be likely to bring with it a reduction in fire risk in comparison to the existing situation.
27. Fire service vehicles would not be able to gain access along Haynes Road and, in the event of an emergency, would need to tend to the site from Ealing Road. However, as mitigation, it is submitted that a sprinkler system could be deployed alongside other fire prevention measures such as heat detectors. Both the proposed storage building, and the building which would contain the flats, would have exits directly beside the proposed parking and loading bay area or Haynes Road. These would provide access to outside spaces for escape and assembly.
28. Had I been minded to allow the appeal, a condition could have been imposed to define the precise passive and active fire measures proposed, and the site's evacuation strategy, building upon the submissions made. Given this, and the site's existing fire safety credentials, I am satisfied that the proposal would incorporate appropriate fire safety measures and precautions. The proposal would therefore comply with Policy D12 of the LP which seeks to ensure that developments achieve the highest standards of fire safety including through the provision of fire safety measures and evacuation plans.

Outlook and light

29. The proposed flat would be a modest one bedroomed property. The only accommodation within it which would not be served by a window or glazed door would be the entrance hall. The main living accommodation would comprise of a single bedroom and a shared living and kitchen space. These would, respectively, be served by a large window and a set of french doors. This window and the doors would overlook the flat's garden, which would provide a pleasant outlook. Being east facing, this main living accommodation would receive sunlight in the morning.
30. Cars may park closely beside the south and west facing elevations of the proposed flat. However, the window within the south facing elevation would be to the bathroom rather than the flat's main living accommodation. The windows within the west elevation would be set at a high level. They have therefore been designed not for outlook but in order to allow for light into the same shared space which the french doors would also serve. Being set higher up on the elevation, most parked cars would likely be too low to obstruct the windows.
31. For the modest flat proposed, this arrangement of windows, doors and accommodation would provide for its occupants appropriate outlook and light in accordance with Policy DMP1 of the BLP. Amongst other matters, Policy DMP1 requires development proposals to achieve a high level of internal amenity. BLP Policy BE3, also cited by the Council, relates to local employment sites and work-live units. It does not focus upon living conditions, is largely irrelevant to this main issue and I find in regard to living conditions no conflict with it.

Other Matters

32. The proposal would provide a boost to housing supply and be likely to contribute quickly to the supply of houses in the area. The proposal would be delivering the housing on brownfield land within an accessible location, and the value of this is a matter which the National Planning Policy Framework advises should be given substantial weight. Even so, in providing only a single additional flat, the contribution made to housing supply would be a modest one.
33. The replacement storage building would be likely to have improved thermal performance and sound proofing in comparison to the existing storage units. I have already set out the reasons why the proposed development would have some improved fire safety credentials. These are further modest benefits of the proposal. However, collectively, these benefits are insufficient to outweigh the areas of harm I have identified within my main issues.
34. The proposal would not result in detrimental effects upon the site's potential to contribute to employment in the area. However, this absence of harm is a neutral factor in my determination and does not outweigh the proposal's harmful effects.
35. Finally, the appellant refers to an earlier but now expired planning permission which permitted the enlargement and refurbishment of the existing storage units. However, as that planning permission has expired, there is no realistic prospect of it being implemented. Furthermore, the development the subject of this appeal involves an additional flat and a replacement building. Consequently, the proposal and its likely effects are not very comparable to a scheme for only storage unit extension and refurbishment. The cited planning permission is therefore of very limited weight in my decision.

Conclusion

36. I have identified a number of main issues. In respect of the matters of water consumption, urban greening, fire safety and living conditions I am satisfied that the effects of the proposed development would be acceptable, and it would, in these regards, comply with certain development plan policies. However, I have also identified that the access arrangements would neither be safe nor suitable whilst the provision made for cycle parking, refuse and for surface water drainage disposal would be inadequate. Consequently, the proposal would also conflict with certain development plan policies.
37. Overall, I find that those effects of the development which would be acceptable, and its beneficial effects do not outweigh the harms I have identified and that the proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR