



Appeal Decision

Site visit made on 7 November 2024

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/T5150/D/24/3349510

107 Brondesbury Road, Brent, London, NW6 6RY

- 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 Freddie Coleridge Cole against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0703.
 - The development proposed is creation of a vehicular crossover including a dropped kerb, alterations to the front boundary wall, installation of electric vehicle charging point, creation of bin storage and associated hard and soft landscaping to provide one off street car parking space for the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In respect of matters of pertinence to this appeal scheme, there have been no fundamental changes to national policy. As such, comments have not been sought from the main parties on the implications of the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the Kilburn Conservation Area;
 - whether the proposal would discourage sustainable travel; and
 - the effect of the proposal on highway safety.

Reasons

Kilburn Conservation Area

4. The appeal site is a terraced dwellinghouse that lies at the edge of the Kilburn Conservation Area (KCA). The significance of the KCA is largely derived from its pleasing, high-quality Victorian built form as a phased residential estate.
5. The KCA is characterised by wide tree lined streets that are predominantly lined by terraced housing. There are variations in the architectural design of houses within the KCA as they were constructed in phases by different developers. Nonetheless, they share a highly consistent sense of scale and proportions, whilst

also follow close building lines. Typically, dwellings within the KCA are set back from the highway behind front gardens enclosed by boundary walls and hedging that provide a sense of space and add to the attractive leafy character of the area. There are some subtle variations in the materials and precise scale and design of boundary wall enclosures within the KCA. Still, they remain a positive feature, with their widespread use throughout the KCA imparting some formality and rhythm to the streetscenes, thereby adding to its significance.

6. The appeal site addresses the street in a traditional manner, behind a front garden enclosed by a low boundary wall and hedging across its frontage, with a central entrance gate between two wall piers. The existing boundary wall is constructed in redbrick commonly found in the surrounding area. Whilst displaying some signs of age and deterioration, the boundary wall appeared to be in a reasonable condition.
7. There are numerous examples of nearby properties that have removed front boundary walls and installed driveways, albeit many of these are located outside of the KCA. Although, several properties within the KCA have also either partially or fully removed boundary walls, or formed driveways across their front gardens, these works disrupt the largely intact rhythm and continuity provided by the boundary enclosures. As such, these previous works typically detract from the character and appearance of the KCA and do not justify emulation.
8. Accordingly, whilst the proposed development would not appear entirely out of place, I still consider that the partial removal of the front boundary wall and formation of a driveway would result in an unsympathetic alteration, that would neither conserve or enhance the character or appearance of the KCA. This would not be offset by the proposed front garden area continuing to incorporate a significant extent of soft landscaping. Nor does the appellant's claims that he could remove the existing boundary hedge, without the need for planning permission, alter my view on the proposed development.
9. Given the scale and nature of the proposal, the harm would be localised, and in the context of the Framework would amount to less than substantial harm to the significance of the heritage asset. Nevertheless, the Framework advises that great weight should be given to the conservation of designated heritage assets.
10. Balanced against this harm, the proposal would provide some limited public benefits associated with the construction of the development. The proposal would also promote the use of electric vehicles (EVs), through the provision of an EV charging point, thereby providing some environmental benefit. However, the public benefits would not outweigh the identified harm.
11. I therefore find that the appeal scheme would cause harm to the character and appearance of the KCA. As such, it would conflict with Policies DMP1, BHC1 and BT2 of the London Borough of Brent Local Plan 2019-2041 (adopted 2022) (the Local Plan). Together, amongst other matters, these policies seek to ensure development complements its locality and sustains and enhances the significance of heritage assets, including specifically through preserving means of enclosure that contribute to the character of the area.

Sustainable Travel

12. The appeal site is well connected to public transport options and is located within convenient walking distance of a range of facilities and services. Local Plan Policy

BT2 relates to parking and car free development. Amongst other matters it seeks to promote sustainable travel through applying maximum car parking standards consistent with those outlined under London Plan Policies T6 and T6.1¹. In respect of the location of the appeal site, it highlights that new residential development should be car free (subject to limited exceptions). Local Plan Policy BT2 further states that car free development should be the starting point for all development proposals in places that are well connected by public transport.

13. The proposed development would provide a single private parking space within the front garden of the appeal property. From the evidence before me, and my observation on site, I find that the proposal would result in the loss of two on-street parking spaces immediately to the front of the appeal property. Notwithstanding the appellant's arguments that the proposal is not for new residential development, the appeal scheme would therefore result in a net reduction in vehicle parking in the area.
14. Even though the proposal would increase private parking, given that an overall reduction in the availability of vehicle parking would ensue, I am not persuaded that the proposal would lead to a promotion in car use. Accordingly, even if not strictly in accordance with the parking standards under Local Plan Policy BT2 or the London Plan Policy T6, it would not conflict with the purpose of the policies in respect of discouraging car use and promoting sustainable transport options. The proposal would therefore not discourage sustainable travel.

Highway Safety

15. The proposed drop-kerb, to provide access to the intended driveway, would be sited in a rather limited space between a mature tree and a streetlighting column. Manoeuvring vehicles in and out of the proposed driveway is therefore likely to be rather tight and awkward. Given the limited space involved and the narrow width of the proposed driveway, it is likely that vehicles may mount the area of highway kerb-line that would be maintained. Moreover, the very close siting of the lighting column to the proposed driveway, together with the limited extent of dropped kerb, would also present a collision risk.
16. The Council's Domestic Vehicle Footway Crossover Policy (the Crossover Policy), in the first instance, seeks for crossovers to avoid obstructions with street furniture, including lamp columns. Still, if this is not possible, the Crossover Policy allows for relevant street furniture to be removed/relocated subject to the determination of the relevant Council department and the applicant being responsible for the associated costs. The appellant has indicated a willingness to finance the relocation of the streetlighting column to the front of his property. This would require its feasibility to be assessed by the Council's streetlighting team, however, from the information before me there is no robust reason to suggest that this would not be feasible or that there would be any harm associated with its relocation. Subject to the removal/relocation of the lighting column, I consider that sufficient space would be provided to enable vehicles to safely manoeuvre in and out of the proposed driveway without adverse impacts on highway safety.
17. The proposal would also result in the loss of two on-street residents parking spaces within a Controlled Parking Zone (CPZ), which the Council's Crossover policy states is not permissible. Nonetheless, the evidence before me

¹ And associated Table 10.3 of the London Plan.

demonstrates that although the appeal site is within a CPZ it is not within a 'heavily parked street' for the purpose of Policy BT4. Indeed, the Council's available survey data indicates that parking occupancy within Brondesbury Road is at approximately 60%, suggesting that ample capacity exists within the CPZ. Although a snapshot in time, this tallies with my observation when undertaking a site visit early on a mid-week morning. Additionally, the proposal would also provide a private parking space thereby reducing some demand for on-street public parking spaces. Based on these factors, I do not consider the appeal proposal would lead to any significant increase in parking pressure within the CPZ or result in associated harm to highway safety.

18. A Grampian condition preventing the proposed development from commencing until such time as the streetlight has been removed/relocated could therefore provide a suitable mechanism to uphold highway safety. Subject to such a condition I do not consider that the appeal scheme would conflict with Local Plan Policy BT4, which sets out standards for the formation of an access onto a road. However, given that I am dismissing the appeal on other grounds I have not sought to progress the securing of a Grampian condition with the main parties.

Other Matters

19. The appeal scheme may provide greater convenience for the appellant's family, however, it has not been demonstrated that the existing parking arrangements are inherently dangerous so as to warrant the appeal proposal.

Conclusion

20. For the reasons given above the appeal conflicts with the development plan taken as a whole, and there are no material considerations that indicate a decision other than in accordance with it. Accordingly, the appeal is dismissed.

Lewis Condé

INSPECTOR