



Appeal Decision

Site visit made on 27 March 2025

by Chris Couper BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/T5150/D/25/3359430

35 Sudbury Court Road, Harrow, Brent HA1 3SD

- 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 Vinod Chopra against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2380.
 - The proposed development is described as 'improved front garden landscaping and drainage'.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Drawing no. 202408/35SCR/LS/02 depicts the proposed front garden, drawing no. 202408/35SCR/LS/01 shows the existing front garden, and drawing no. 202408/35SCR/LS/03 shows the pre-existing front garden.
3. The Council adopted its Residential Extensions and Alterations Supplementary Planning Document on 16 January 2025 ('SPD'), and it provided an extract from it with the appeal questionnaire. I gave the appellant an opportunity to comment on the SPD, and I have considered his representation in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the area;
 - whether or not the proposal would conflict with policies which seek to manage off-street parking provision in the interests of encouraging sustainable modes of transport; and
 - the effect of the proposal on surface water drainage.

Reasons

Character and appearance

5. The pre-existing front garden plan depicts that this area previously comprised a concrete driveway leading to a garage, and that the rest of it was unkempt and overgrown. That broadly tallies with the Council's description, which also refers to the presence of several trees.

6. The appellant maintains that the scheme would result in an increase in soft landscaping and therefore a big improvement over the existing arrangement. However, I have limited information regarding when the existing front garden treatment was implemented, although it would appear to be fairly recently, and I have no evidence to indicate that it is lawful. I have therefore had limited regard to the existing front garden treatment in my decision.
7. As depicted on the proposed front garden plan, the existing grey stone slabs would be mostly retained, but with flowerbeds provided at the edges. However, those flowerbeds would be narrow, and located next to only some sections of the plot's boundaries, such that the vegetation within them would be unlikely to have a significant landscaping affect. Compared to the pre-existing front garden plan, much more of this space would be hardsurfaced, which would give the property a very stark and unalleviated appearance.
8. I observed that the treatment of the front gardens in Sudbury Court Road is varied. Some contain substantial areas of lawn or other landscaping, and some have vegetation predominantly around one or more of their edges. The appellant has also drawn my attention to front gardens which are entirely, or substantially, hardsurfaced to provide parking forecourts, many of which are close to this site.
9. However, those examples do not justify this scheme's poor design; and I have no information regarding when they were implemented. The recently adopted SPD sets out at section 3.10 that parking should not negatively impact the host property's front garden or the wider streetscape, and that at least 50% of the garden should be retained as soft landscaping. The scheme would fail to accord with that advice, and it would harm the character and appearance of the host property and the area.
10. It would thereby conflict with that part of Brent Local Plan 2019 - 2041 (2022) ('BLP') Policy BT2 Part e), which states that additional parking provision should not have negative impacts on the environment, and that off-street parking shall ensure 50% soft landscaping coverage in the case of front gardens.

Managing parking provision

11. The Council maintains that the proposed off-street parking provision within the site would be excessive. In support of its stance, it refers to BLP policy BT2 and Appendix 4, and Policy T6.1 and Table 10.3 of the London Plan 2021 ('LP'), which state that on sites such as this, in an area with a PTAL rating of 2, there should be a maximum of one off-street parking space in order to encourage alternative, more sustainable, modes of transport.
12. The total number of parking spaces within the site is not depicted on any of the drawings, but there were three cars parked on it at the time of my visit and, even allowing for the proposed flowerbeds, the total provision would clearly exceed that maximum; and the proposed area available for off-street parking would be greater compared to the pre-existing front garden plan.
13. Whilst the scheme would enable vehicles to be parked clear of the highway, it would encourage reliance on the private car for trips, rather than reducing car use and promoting more sustainable modes of transport including cycling, walking and public transport, contrary to BLP Policy BT2, and LP Policy T6.1.

14. However, given that the proposal relates to a single dwelling which would typically generate only a limited number of trips by private car, and given that the pre-existing arrangement included a garage with a driveway, on this issue, only limited harm would be caused.

Surface water drainage

15. BLP Policy BT2 Part e) also seeks to ensure adequate soft landscaping and the provision of permeable surfaces, in order to offset increases in surface water run-off. The SPD advises, amongst other things, that hard landscaping such as paving must be high quality and permeable where required, with surface water discharged to planting or soakaways; the Brent Domestic Vehicle Footway Crossover Policy 2018 ('DVCP') says that water should ideally drain back to a soakaway within the site.
16. In this case, whilst the frontage of the site would be largely paved, drainage gullies would channel surface water run-off to 1 metre deep shingles beneath the proposed flowerbeds, from where it could infiltrate the soil, as depicted in Figure 1 of the Design and Access Statement. Thus, whilst compared to the pre-existing plan, there would be much less landscaping and therefore less surface water infiltration across much of the front garden, I have no cogent reason to doubt that the proposed arrangement would broadly mimic the natural drainage regime, and that it would not significantly increase the risk of flooding.
17. Consequently, whilst the scheme would conflict with those parts of BLP Policy BT2 Part e), the SPD and the DVCP, which collectively state that there shall be 50% soft landscaping coverage, I am satisfied from the evidence before me, that the scheme would not have a harmful impact on the surface water drainage regime.

Planning Balance and Conclusion

18. I have found that the scheme would not have a harmful impact on surface water drainage, but that it would harm the character and appearance of the plot and the area, and that it would cause limited harm as a result of its conflict with policies which seek to promote sustainable modes of transport. Having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR