



Appeal Decision

Site visit made on 20 May 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/M5450/W/25/3359559

35 Kenton Park Parade, Kenton Road, Kenton, Harrow HA3 8DN

- 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 Sanjay Lodhia against the decision of the Council of the London Borough of Harrow.
 - The application reference is PL/0526/23.
 - The development proposed is a vehicle access.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development given in the above heading is taken from the Council's decision notice. It is a more succinct version than that provided on the application form lodged with the Council.

Main Issues

3. The main issues are the effect of the proposal on highway safety for users of Kenton Road and on the character and appearance of the local area.

Reasons

Highway safety

4. The proposal is to introduce a vehicle crossover along part of the highway frontage to the appeal premises, which is a mid-terrace property that faces Kenton Road. The new crossover would enable vehicular access from the highway to the hard surface area in front of No 35 for off-street parking associated with the use of the appeal premises as a funeral-directors.
5. The size and shape of the forecourt of No 35 would offer little realistic opportunity for a vehicle to both enter and leave the site using the new crossover in forward gear. A driver using the new access would in all likelihood need to reverse into or out of the site onto the highway. Such movements, even at slow speed would be far from ideal given local conditions.
6. Specifically, during the early-afternoon site visit I saw that the volume of traffic using Kenton Road as it passes the site was considerable. Compared to these conditions, the level of traffic could be even greater at peak times, during the morning and late afternoon when people often use cars to commute. Even though

the number of vehicle movements using the new crossover would be relatively modest, the appeal scheme would result in drivers slowing down and either turning into or out of a busy road in reverse. In doing so, driver visibility of other footway and road users would be restricted by vehicles parked parallel to the main carriageway. A bus parked at the stopping place just to one side of the site would also obscure views of a vehicle reversing into or out of the site for drivers approaching from the west. That vehicle movements associated with the new crossover would also be across a footway that I saw was well used and close to an area used to store cycles reinforces my opinion that the proposal would pose an unacceptable risk to highway safety.

7. Some road and footway users would be aware of the need to be vigilant for vehicles entering and exiting the forecourt of No 35 given the presence of the dropped kerb, as proposed. However, others may not. The introduction of signage and white lines to guide drivers would also give some advance warning particularly to footway users. Nevertheless, I am not convinced that the harm I have identified would be satisfactorily mitigated by such measures. A designated pedestrianised zone at the front of No 35 would either fall outside the boundaries of the site or at odds with the intended use of the forecourt by vehicles.
8. I saw other examples of properties with a dropped kerb and off-street forecourt parking in the local area, including those to which the appellant has referred and provided photographs. One such property is in the same terrace as No 35, further along Kenton Road. These examples similarly rely on vehicles reversing onto or from the adjacent highway. I am unaware of the detailed circumstances of these arrangements most of which are far from ideal with regard to highway safety. These examples do not persuade me that the proposal, which would add to highway danger, should therefore be accepted.
9. On the first main issue, I conclude that the proposal would have an unacceptable effect on highway safety. As such, it conflicts with Policy T4 of The London Plan (TLP) and Policy DM 42 of the Harrow Development Management Policies Document (DMPD). These policies seek to ensure that development proposals do not increase road danger.

Character and appearance

10. The long retail and commercial parade to which No 35 belongs is set well back from the road, behind a footway and a forecourt that is used in various ways to mainly serve the ground floor premises. In some cases, the existing forecourt accommodates a partly enclosed outdoor seating area of a café or restaurant, or it is used to display goods. In others, the forecourt is left open. In one instance, the forecourt is used to park vehicles at the front of a tyre fitting unit.
11. In my experience, dropped kerbs are an expected feature of the highway frontages of properties within parades, such as this. As such, the new crossover would not draw the eye. However, by enabling vehicles to access and park in front of No 35, the proposal would be an unfamiliar feature of the properties within the same terrace. Nevertheless, such activity would be seen within a highly varied context and the local street scene of which the wider parade forms part, is not entirely free of parked vehicles.
12. On balance, I find that the proposed development would not be obtrusive or out of keeping with the mixed character of the local area. Consequently, it does not

conflict with TLP Policies D3 and D8 or DMPD Policy DM 1. Together, these policies aim to ensure that development achieves a high standard of design and layout, and that the public realm is attractive.

Other matters

13. There is a clear operational, religious and cultural need to provide vehicle access and parking at the front of the appeal premises, the details of which are set out in the evidence. I have carefully considered each of these points. In summary, the proposal would provide a far more appropriate, practical, safer, accessible, sensitive and convenient alternative to the existing arrangements at the rear of the appeal premises. These circumstances, which are particular to the funeral care business operated at No 35, were sufficient for the Council to raise no highways objection, having reviewed its initial consultation response to the application, which recommended that planning permission be refused.
14. However, the National Planning Policy Framework (the Framework) makes clear that developments should ensure that safe and suitable access can be achieved for all users. It also states that developments should create places that are safe and secure, and which minimise the scope for conflicts between pedestrians, cyclists and vehicles. DMPD Policy DM 1 requires that development proposals have regard to the arrangements for safe access to and within the site. Against that background, I find that the appellant's circumstances do not outweigh the considerable risks to highway safety that are raised by the proposal.
15. No objections were raised by others. There is also community support for the proposal. The new crossover would enable electric vehicles to be charged at the front of the premises. Alterations would be made to the forecourt of No 35 to improve surface water drainage. However, these considerations are insufficient to outweigh the significant harm that I have identified.

Conclusion

16. Overall, I conclude that the proposed development would conflict with the development plan. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
17. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR