



Appeal Decision

Site visit made on 9 June 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2025

Appeal Ref: APP/T5150/W/25/3360054

6B Greenbank Avenue, Wembley, Brent HA0 2TF

- 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 Ms Stacey Hislop against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2543.
 - The development proposed is new front driveway and crossover including erecting fencing at 6 Greenbank Avenue, Wembley HA0 2TF.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has advised that the Brent Residential Extensions & Alterations Supplementary Planning Document January 2025 (the SPD) was adopted on the 16 January 2025. This supersedes the Residential Extensions & Alterations SPD 2 (2018), which is referred to in the officer report and decision notice. The appellant has had the opportunity to make comments on this through the appeal process should they have wished to do so. I have therefore dealt with the appeal having regard to the new SPD.

Main Issue

3. The main issue is the effect of the proposed development on pedestrian and highway safety.

Reasons

4. The appeal site comprises a terraced property in use as two flats, located within a residential cul-de-sac. It has a modest front garden featuring a small, grassed area and hard surfaced footpath leading to the front door, an area for bin storage and an open boundary to the pavement and highway on Greenbank Avenue.
5. The SPD states that if there is sufficient space, off-street parking could be acceptable if it complies with Brent's Domestic Vehicle Footway Crossover Policy (the Crossover Policy). The maximum depth of the front garden falls below the 4.8m required between the front wall of the property and the footway to ensure vehicles do not overhang the pavement. The proposed site plan therefore shows the parking area at an angle to the highway to accommodate this within the site. The plan indicates there would be little margin for driver error close to the property given the reduced space that is shown. Depending on how a car is parked, access

for all users to the front entrance door for occupants of both flats might be restricted.

6. I observed other properties along Greenbank Avenue with similar sized frontages with parked cars overhanging the highway and obstructing the footway, including those that were parked at an angle. There was also a considerable amount of on-street parking on both sides along the length of the road, including to the frontage of the appeal site and directly opposite.
7. The Crossover Policy makes provision for a frontage less than 4.8m in depth where it is a minimum of 3.8m deep and the applicant is willing to enter into a legal agreement that restricts the size of vehicle that can be parked on the forecourt to fit within the available space. The planning application documents indicate that the appellant has a vehicle that is less than 4.8m in length and was willing to enter into such an agreement, although it is now suggested in their appeal statement that this is not required on the basis that there is no material harm.
8. Despite the wording of the Crossover Policy, the Council states that such an agreement would not meet the relevant tests for planning obligations within the National Planning Policy Framework. In any event, no legal agreement has been provided, therefore I give this little weight as a way of mitigating the deficiency in the length of the frontage. This would also not overcome other concerns of the proposal, including the manoeuvring into and out of the site and the potentially restricted access for all users to and from the entrance of the flats.
9. There are no obstructions within the footway that would impact on visibility directly at the site entrance, although there are street trees within it relatively close between Nos 2 and 4 and 10 and 12 that reduce the available space. Given the angled layout of the parking space, the Council's Transportation consultation response also raises concerns over manoeuvring into and out of the site. From my observations, the presence of vehicles parked directly opposite the appeal site and close to the property would also make this manoeuvre more difficult.
10. From the evidence before me and my observations on site, it has not been clearly shown that a parked vehicle would not overhang the footway, which is not notably wide, or that manoeuvring on and off the highway could be carried out safely. Even if any overhang were minor, and despite likely low traffic speeds and a lack of recorded safety incidents, the proposal would reduce the extent of the available footway and could still pose a risk to pedestrian and highway safety.
11. There are similarities with existing parking arrangements on both sides of Greenbank Avenue. I do not know the circumstances under which these works were undertaken or their status with regard to planning permission. I therefore cannot draw any direct comparison with the proposal, and this carries very little weight in its favour. The presence of these does not justify adding to the existing situation of vehicles obstructing the footway and the harm that I have otherwise found.
12. I note the comments of both parties relating to the proposed bollard, and the intention of this is to prevent overhanging of the footway. I do not consider that securing details of this would be adequate to overcome the harm that I have found. This would also add to difficulties in manoeuvring into and out of the site, and its location could further restrict the available space to park a vehicle within the site given the size constraints and the limited margin for driver error.

13. Both parties have referred to a previous appeal decision at 15A and 15B Greenbank Avenue¹. I do not have full details of that proposal, although there are similarities with the current appeal scheme in relation to the limited frontage, angled parking and potential for overhanging of the highway. I have found similar harm in that I also cannot be certain that the proposal would not result in a vehicle overhanging the footway that would obstruct pedestrians and fail to safeguard highway safety.
14. Consequently, I conclude that the development would have a harmful effect on pedestrian and highway safety and it therefore conflicts with Policies DMP1, BT2 and BT4 of the London Borough of Brent, Brent Local Plan 2019-2041. Amongst other things, these policies seek to ensure development is satisfactory in terms of access for all, parking and manoeuvring, it would not have negative impacts on existing parking, highways or other forms of movement, and access would be safe having regard to the Council's cross over guidance.

Other Matters

15. The Council's reason for refusal 1 refers to inaccurate plans and suggests that a full and accurate assessment could not be made. Whilst this is noted, in addition to my site visit, I have enough detail before me to form the basis of my overall planning assessment. I have dealt with the appeal on the basis that planning permission is being sought for the development as set out in the proposed plans. The focus of this appeal is therefore the Council's reason for refusal 2.
16. The appellant suggests that the proposed bollard is not development and could be installed now without planning permission, albeit this is clearly shown as part of the overall appeal proposal. In any event, this is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. I have proceeded to deal with the case before me on its planning merits.
17. Where the proposal has been found to be acceptable in other respects, for example in terms of its appearance, landscaping and boundary treatments, these are neutral matters and do not weigh in favour of the development.

Conclusion

18. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR

¹ Appeal Decision ref APP/T/5150/W/22/3313078, dated 10 July 2023