



Appeal Decision

Site visit made on 20 November 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2026

Appeal Ref: APP/T5150/W/25/3372407

26B Norton Road, Wembley, HA0 4RF

- 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 Vaibhav Bhagat against the decision of the Council of the London Borough of Brent.
 - The application reference is 25/0963.
 - The development proposed is a front garden hardstanding and removal of front boundary wall; proposed dropped kerb and relocation of streetlamp post with electric vehicle charging point to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development was described on the planning application form as “Proposed dropped kerb and relocation of street lamp post with electric charging point to the front of the first floor flat – resubmission of application 24/3463 with revised plans and Arboricultural Report”. An amended description was used on the Council’s decision notice, and subsequently by the appellant on the appeal form, which I have used in the banner heading above as it provides a more accurate description of the development. I have, however, omitted the word “retention” from the reference to the hardstanding and boundary wall as it is not in itself development, though those elements of the scheme had been carried out and I was able to see them during my site visit.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including in respect of an adjacent street tree.

Reasons

4. The appeal relates to a semi-detached property on the east side of Norton Road; No 26B is a first-floor flat within the building. It is in a predominantly residential area a short way south-west of Wembley town centre. The scheme involves the removal of the front garden wall and the construction of an area of hardstanding which, as I have described above, have already been carried out. The proposal also includes the installation of an electric vehicle charging point, and the creation of a vehicular access point across the footway. The crossover would be very close to a street tree set in the footway in front of the property; creating the access would also require the relocation of a street lighting column immediately outside the property.

5. There are two principal sources of guidance relevant to this scheme. The Council's 2018 *Domestic Vehicle Footway Crossover Policy* ("the DVFCP") is largely (though not exclusively) concerned with the technical requirements of creating a safe and adequate access from the highway, while its 2025 *Residential Extensions and Alterations* Supplementary Planning Document ("the SPD") deals with (among other things) boundary treatments and parking in front gardens. I consider both are material considerations in determining this appeal; where they are not consistent with one another I give greater weight to the SPD, both because it is the newer document, and because it has evidently been through formal consultation before being adopted by the Council, while there is no similar information before me about the preparation and adoption of the DVFCP.
6. Among other things, the SPD says that where parking is proposed for front gardens at least 50% of the front garden must be retained as soft landscaping, that parking should not negatively impact the wider streetscape such as the pavement or street trees, and that driveway access should comply with the DVFCP. The DVFCP advises that if the position of a proposed crossover is obstructed by a lamp column or street tree, its location should be altered to avoid the obstacle, and that crossovers will not normally be allowed where their construction will require either the removal, or cutting of the roots, of a street tree. It also says that where a crossover is proposed, it is essential that an appropriate boundary is provided to the remainder of the frontage, both to prevent illegal use of the pavement by vehicles and to maintain the appearance of the street.
7. I saw on my site visit that many of the front gardens along Norton Road are used for off-street parking. By the appellant's reckoning, only six of the 93 individual buildings on the street *do not* use the front forecourt for parking vehicles. I did not carry out my own count, but that figure seems a reasonable assessment of the situation. The use of front forecourts for parking is therefore commonplace on Norton Road. However, while it is a factor which undoubtedly helps define the character of the area, for the most part it does not make a positive contribution.
8. Gardens along Norton Road are shallow, and very many conversions have involved removing the full front boundary wall and installing hard surfacing across the whole forecourt area, with little or no areas of planting being retained. Such schemes are evidently not in line with the requirements of the SPD or the DVFCP, presumably as they were carried out before that guidance was produced. As a result, the street has a harsh and vehicle-dominated character, with the trees planted intermittently along the footway providing the only significant relief. In terms of preventing further deterioration of the character of the area, I therefore consider it more, rather than less, important that any other schemes coming forward comply with the relevant guidance.
9. The hardstanding which has been created at No 26 is an area of block paving approximately 4.3m wide, within a garden around 6.3m wide. There are soft landscaping strips down both sides; by the Council's calculation just under 72% of the forecourt is given over to hard surfaces. That does not comply with the advice in the SPD that at least 50% of the front area should be retained as soft landscaping. The DVFCP says that there is "a minimum requirement of 30% for properties with narrower, shorter front gardens", a requirement with which the appeal scheme would comply, albeit with some generous rounding. However, as I

have explained above I give greater weight to the SPD here¹. While the materials used appear to be of better quality than many examples elsewhere on Norton Road, the width of the parking area has contributed to the harmful harshening of the streetscape which I have described above. This has been accentuated by the absence of any boundary treatment across the full width of the plot.

10. The Council's greater concern in this case relates to the street tree in front of the property, and it is to that which I now turn. The application was accompanied by an arboricultural report ("AR"), which describes the tree as a maturing lime. Work has recently been carried out by Thames Water to replace the water pipe serving the appeal property; a photograph provided to me shows a deep trench dug from the front garden of the appeal property into the street passing very close to the tree through its root area. The AR recognises that the water pipe works would have caused "extensive root damage", but says that "if the tree is to remain there seems to be no reason why a new dropped kerb cannot be installed – if it results in no further excavations towards the tree". The appellant therefore argues that the proposed crossover would not cause any greater harm to the tree than has already been done.
11. However, given how recently the water pipe works took place, it is by no means certain that the tree's future is assured – it may take time for any harm or decline caused by the insensitive water pipe works to become apparent. While I also note the comments in the AR that the tree is because of its size and type not well-suited to its location, it is where it is; in terms of character and appearance at least, it makes a positive contribution to the streetscape. The Council's position is that if the tree *were* to decline, it would seek to replace it in the same location. In my view, the proposed crossover would be so close to the tree's position that it would be likely to prevent a successful replanting. It could therefore jeopardise the tree, or a replacement, continuing to make a positive contribution to the street scene.
12. It is possible, of course, that the appellant and Council could agree a scheme which would relocate the tree, in line with advice in the DVFCP which recognises that this may, exceptionally, be appropriate. It is suggested in the AR that in line with the boundary between Nos 24 and 26 would be an appropriate alternative planting location. However, securing a replanting would require some form of planning obligation, and there is nothing before me which could do this.
13. I note the appellant's comments about other street trees on Norton Road, drawing my attention to several examples with footway crossovers in very close proximity. However, I have not been provided with any information about the health condition of those other trees, while on my site visit I saw footway disturbance – cracked pavements and dislodged kerbstones – close to several of them. It is not at all clear, therefore, that at least some of those other crossovers have not caused lasting harm to street trees.
14. I conclude that, because the development could imperil the long-term retention of a street tree which makes a positive contribution it is, or would be, harmful to the character and appearance of the area. It therefore conflicts with Policies DMP1, BGI2 and BT4 of the 2022 Brent Local Plan ("the BLP") which together, and among other things, seek to ensure that development has detailing and design which provides high levels of amenity and complements the locality, and that all

¹ It seems from an extract in the appellant's statement that an earlier version of the SPD included a similar 30% provision for smaller gardens, but the words quoted do not appear in the current guidance.

schemes (including the formation of access to a highway) retain trees or ensure their adequate replacement. It would also conflict with the provisions of Paragraph 136 of the National Planning Policy Framework, which recognises the important contribution trees make to the character and quality of urban environments, and seeks the retention of existing trees wherever possible.

Other Matters

15. The provision of an electric vehicle charging point would support the use of a low-emission vehicle by the occupant of the appeal property. I understand that there is a public charging point on Danethorpe Road a short distance from the site, though of course it is not guaranteed that that point would be available for use at any given time. The provision of a dedicated private charging point would therefore be a benefit to the occupier of the property. However, this would not outweigh the harm I have found.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

M Cryan

Inspector