

Appeal Decision

Site visit made on 10 May 2016

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2016

Appeal Ref: APP/T5150/W/16/3141675
29 and 30 Station Terrace, London NW10 5RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Sulkin against the decision of the London Borough of Brent.
 - The application Ref 15/3798, dated 3 September 2015, was refused by notice dated 30 October 2015.
 - The development proposed is single storey rear extension and creation of one new flat, partial extension at first floor level, partial extension at second floor level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area.
 - Its effect upon the living conditions of the occupiers of neighbouring residential properties, with particular regard to privacy and outlook.
 - Whether the proposal would provide a satisfactory residential environment for future occupiers, with particular regard to the floor area of flat 2.
 - Whether the proposal provides adequate provision for refuse, servicing and cycle storage, including in relation to the existing commercial units.

Reasons

Character and appearance

3. The appeal building forms part of an existing terrace fronting on to Station Terrace. The terrace is predominantly three storeys in height although several of the properties have rear projections of varying heights and designs. The appeal building includes an existing rear projection with sloping roof and an additional single storey element. The scale of the existing building reduces towards the rear so as not to compete with the main three storey form.
-

4. The proposed extensions would amount to a significant increase in the scale and massing of the appeal buildings. Whilst planning policies seek to make the best and most efficient use of land, I consider that the current proposal would significantly compromise the appearance of the building to the detriment of the character and appearance of the area.
5. Most particularly, the resulting three storey flat roofed rear projection adjacent to the north side boundary would extend significantly beyond the rear wall of the existing three storey section of the building and would unbalance the appearance of the building. Taking account of its excessive size and massing, this extension would appear as an incongruous addition that would materially damage the overall appearance of the buildings.
6. The proposed single storey and first floor elements are of a lesser bulk and massing and have been designed to be more subservient to the existing building. The single storey part of the extensions adjacent to the north side boundary would extend to the rear boundary of the site but would be set back from the street frontage of Bolton Avenue and would not therefore be visually intrusive or out of place within the streetscene. These elements of the proposal would be subordinate in appearance to the existing building and would not result in any significant visual harm to the surrounding area.
7. The appellant has drawn my attention to extensions that have been carried out at 21, 22 and 23 Station Terrace, most particularly the side and rear extension at No.21. I am not aware of the circumstances behind the approval of such extensions and do not find that they set such a precedent that changes my findings on the current proposal which I have considered on its individual merits taking account of the overall appearance of the existing buildings and the prevailing character of the area.
8. In conclusion on this issue, the proposed development, due to the design, scale and massing of the resulting three storey flat roof projection adjacent to the north side boundary would result in significant harm to the character and appearance of the area, contrary to the design aims of policy BE9 of the Brent Unitary Development Plan 2004 (UDP).

Neighbouring Living Conditions

9. The proposed part second floor extension, sited adjacent to the side boundary with No.28 would project further to the rear than the existing predominantly two storey part of the building and it would also be of significantly greater overall height and massing. The adjacent building contains residential accommodation at first and second floor level with both rear facing windows close to the boundary with the appeal site, and side facing windows facing and also close to the proposal. Though I noted at my site visit that some of these windows are obscure glazed, others are clear glazed and appear to serve habitable rooms. Given the proximity of the proposed extension to these neighbouring residential windows in combination with its height, depth and massing, it would appear as unacceptably oppressive and overbearing in the outlook from these neighbouring windows to the detriment of the occupiers' living conditions.
10. In respect of the single storey side extension, whilst it would adjoin the flank boundary it has been designed so that its height would lower to 2m at the boundary, from where it would rise upwards through a pitched section of

roofing. Whilst the proposed extension would be clearly visible from the rear area of No.28 given its limited height at the boundary, it would not appear as unacceptably overbearing in the outlook from the adjacent outdoor area.

11. The proposed extension would contain first and second floor windows, including kitchen windows facing towards and in proximity of the existing neighbouring windows. Whilst there could be some overlooking between the facing windows, I note there are existing side facing first floor windows within the appeal property and the appellant has confirmed that the proposed side facing windows, including kitchens and bathrooms, would be obscure glazed. In such circumstances, I do not consider that any harmful loss of privacy would result.
12. In conclusion on this issue, the proposal due to the impacts of the part second floor extension adjacent to the north boundary of the site would result in significant harm upon the living conditions of the occupiers of the neighbouring residential accommodation. The proposal would therefore conflict with the amenity aims of policy BE9 of the Brent Unitary Development Plan 2004.

Standard of proposed residential accommodation

13. The proposal, which includes a reconfiguration of some of the existing flats, would result in flat 2 being reduced in floor area to 45 sqms. This is below the minimum requirement of 50 sqms set out in the Housing Standards Minor Alterations to the London Plan March 2016 (MALP) which require a minimum of 50 sqms for 1 bedroom 2 person flats.
14. The appellant draws attention to the minimum area of 37 sqms (with shower room) for a one person flat specified by MALP. However, taking account of the separate bedroom which would be of a double bedroom size, I consider the two person flat standard to be applicable in this case. The appellant also says that the internal dividing wall could be removed to create a studio- flat. However, this is not shown on the application drawings, which I must use in my determination of this appeal.
15. On this basis I consider that, due to the resulting reduction in the floor area of flat 2, the proposal would not provide for a satisfactory standard of residential accommodation for future residents of the scheme, contrary to the relevant design aims of policy BE9 of the Brent Unitary Development Plan 2004 and MALP.

Refuse, servicing and cycle storage

16. From the information provided, as the rear of the site does not appear to have been used for either servicing or parking for a considerable period of time, I do not consider it reasonable that it should now be required to be provided in connection with the current proposals.
17. However, taking into account the increase in residential accommodation, this does not negate the need to provide details of the appropriate design and management of refuse and cycle storage provision for the scheme as a whole, including for the existing commercial premises. Failure to do so would be likely to result in a poor residential environment with potential problems arising from matters such as unsightly refuse storage and noise, particularly taking account of the orientation and location of the proposed ground floor flat which would extend into the rear part of the site.

18. The appellant states that provision could be made through alterations to the boundary wall, but without any detailed plans there is not enough clarity before me on how this would be achieved.
19. On this basis, the lack of refuse and cycle storage provision would be contrary to the relevant design and layout aims of policies BE9 and H18 of the Brent Unitary Development Plan 2004. Notwithstanding that policy H18 relates to the *quality of flat conversions* as this scheme includes the conversion of existing flats, in addition to new development, on balance I consider that it can be applied in this case.

Other matters

20. The Council states that the site is located within a controlled parking zone and has good access to public transport services. Therefore, it accepts that a car free arrangement would be appropriate, but requires the appellant to enter into a suitable S106 agreement. The appellant has agreed to enter into a legal agreement, but such an agreement has not been provided for my consideration. However, as I am dismissing the appeal in respect of other issues, my decision does not turn on this matter and there is no need for me to give this any further consideration in this instance.
21. The development would provide additional residential accommodation in an accessible location close to local services and public transport provision, seeking to make more efficient use of the site. I have given such benefits moderate weight in favour of the proposal but find that they would be clearly outweighed by the harm I have found to result in relation to the main issues relevant to this appeal. The proposal would not therefore amount to sustainable development as sought by the National Planning Policy Framework.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR