

Appeal Decision

Site visit made on 31 August 2016

by G Powys Jones MSc FRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/T5150/W/16/3148807

Land to rear of 932 & 934 Harrow Road, Wembley, London, HA0 2PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 in respect of the Council's failure to give notice of its decision within the appropriate period.
 - The appeal is made by Mr LJ & Mrs SR Currie against the Council of the London Borough of Brent.
 - The application Ref 15/4742 is dated 28 October 2015.
 - The development proposed is the demolition of existing garage and erection of new three bedroom detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of new three bedroom detached dwelling on land to rear of 932 & 934 Harrow Road, Wembley, London, HA0 2PY in accordance with the terms of the application Ref 15/4742 is dated 28 October 2015 subject to the conditions set out in the attached Schedule.

Preliminary and procedural issues

2. The application was first submitted towards the end of October 2015 and following its registration the appellant corresponded with the Council as to progress, but received no reply. The appellant was told informally that certain aspects of the scheme were problematical, but since no formal decision had been forthcoming by mid April, an appeal on the basis of non-determination was pursued.
 3. In its questionnaire response the Council indicated that it intended to submit a statement, but none has been received. However, I have been made aware of representations made by some local residents and the Council's Transportation Department.
 4. The Council has supplied a lengthy list of local development plan policies, but has not commented on those considered most relevant or pertinent. To my mind, having regard to the site's location within an established residential suburb and the main issues set out below, I consider the most relevant development plan policies are the Brent Unitary Development Plan (UDP) policies BE2, H12 & TRN23, and the Brent Core Strategy (CS) policy CP17. The Council's Supplementary Planning Guidance (SPG) a 'Design Guide for New Development' is a material consideration to which I attach due weight.
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5. No appropriately drawn plan as required by national guidance showing the appeal site clearly demarcated had been produced for the original application, but one was produced for the appeal at my request.

Main issues

6. Having regard to the foregoing the main issues are:
 - (a) the effect of the proposed development on the character and appearance of its surroundings,
 - (b) the effects on the living conditions of neighbouring residents with particular reference to outlook, visual impact and privacy and the acceptability of future living conditions for the residents of 932 & 934 Harrow Road with particular reference to external amenity space, and
 - (c) the adequacy of the proposed parking arrangements.

Reasons

Character & appearance

7. The site is comprised of part of the rear gardens of two dwellings whose main elevations face Harrow Road. However, the dwellings' rear gardens extend towards 1 Elms Lane, and that of No 932 runs along the Elms Lane frontage. The appellants propose erecting a detached dwelling whose front elevation would face and be accessed onto Elms Lane.
8. A sizeable gap exists between the rear of the appeal properties and 1 Elms Lane, enough to my mind to allow for the erection of a dwelling on the appeal site in the manner proposed without giving rise to a perception of a cramped development. The proposed dwelling would represent an appropriate continuation of built development along the western frontage of Elms Lane, and an acceptable separation distance would be left between the proposed dwelling's southern side elevation and the rear elevations of the appeal properties.
9. The development would not be uncharacteristic of the local street layout in the sense that the space behind 924-930 Harrow Road on the opposite frontage of Elms Lane is occupied by a pair of dwellings called Clyde Villas, built in 1866. Development on the western frontage of Elms Lane would remain less dense than on the eastern frontage, even if the appeal property were built.
10. The proposed dwelling's design is acceptable, broadly reflecting the more modern local development in appearance, and its scale and massing is also appropriate.
11. I conclude that that the proposal would sit acceptably in its visual and spatial contexts without harming the character and appearance of its surroundings. Accordingly, the development is consistent with those provisions of CS policy CP17 designed to protect the suburban character from inappropriate development, and UDP policies BE2 & H12 requiring proposals to be designed with regard to the local context, for the layout of new development to be appropriate to its locality and that housing should face onto streets. The proposal also complies in design terms with the general guidance of the SPG.

Living conditions

12. The erection of a dwelling would be most noticed by the residents of 1 Elms Lane since it would stand alongside them. However, that property's main outlook to the front and rear would remain unimpaired. Whilst the residents of No 1 would be aware of a change in their immediate environment, especially as they left their house at the front, the change could not be reasonably regarded as harmful in terms of its effect on outlook.
13. There would be some loss of light to the side windows of No 1 facing the appeal site, but I noted that the upper windows did not serve habitable rooms. The ground floor side rear window already faces a boundary fence at fairly close quarters. I do not therefore consider that an objection on the grounds of loss of light is sustainable.
14. The property's rear elevation would face rear gardens of properties in Harrow Road, with that of No 936 being the closest. At ground floor level, the appellants propose a wide glazed opening to serve a living room. The erection of a fence or wall of an appropriate height on the boundary would ensure that there would be no loss of privacy to the residents of No 936.
15. At first floor level two windows would face No 936. The first would serve a bathroom, and if obscurely glazed and fixed, would not cause overlooking. The second window would serve a bedroom, but I note that its design is such that it would be significantly inset in the rear elevation. The window's design is such that but the rearmost part of No 936 garden would be capable of being overlooked, leaving most of No 936's garden and windows in its rear elevation unaffected in terms of privacy.
16. Although the rear gardens of 932 & 934 would be reduced in size, I consider that sufficient external amenity space would remain to both properties to adequately serve the reasonable requirements of their residents. External space would be provided to the front, rear and sides of the new dwelling, sufficient to adequately serve its future residents.
17. I conclude that, with appropriate mitigation achievable by condition, that the living conditions of neighbouring residents with regard to outlook, privacy and amenity space would not be so materially affected as to cause harm, and that those of future residents of the new dwelling would be acceptable with regard to the level of external amenity areas provided.

Car parking

18. The off-street car parking facilities available to 934 Harrow Road would remain unaffected by the proposed development. No 932 would lose its garage, and because of the local street furniture and other obstructions it would not be possible to create a parking space in its front garden. Sufficient space would however be available in what remains of No 932's rear garden to create a car space, without reducing the external amenity area available to an unacceptable level. I note that this reflects one of the suggestions made by the Council's Transportation Department to overcome its concerns. The submitted layout shows adequate parking facilities for the proposed dwelling.
19. I conclude that appropriate measures may be put in place to ensure that the proposed and existing properties have adequate parking facilities. Accordingly,

I find no conflict with the provisions of UDP policy TRN23, which deals with parking standards in residential developments.

Conditions

20. The Council has not suggested any conditions, but I consider some to be necessary particularly to safeguard the future living conditions of neighbouring residents, for the reasons already explained above. For the same reason, I also consider the exceptional circumstances exist to remove certain permitted development rights.
21. A condition is imposed to ensure the adequacy of the parking arrangements, and in the interests of visual amenity a condition relating to external materials is imposed. A condition is imposed to ensure that the site is appropriately drained.
22. For the avoidance of doubt and to properly identify the appeal site, since no appropriate plan was submitted with the original application, a condition is imposed which shall relate to a plan submitted during the appeal process. It is also necessary, in the interests of certainty and amenity that the development should be carried out in accordance with the approved plans.

Other matters

23. All other matters raised in the representations have been taken into account, including the views of local residents. I have already dealt with most of the planning related points raised. There is no convincing evidence that the development would result in flooding. However, a condition relating to the drainage of the site is imposed for the reason already explained. There would be no loss of significant trees having significant amenity value. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be completed in accordance with the following approved plans: Drawing Nos. GA.02 Rev C; GA.03 Rev B; GA.04 Rev B; GA.05 Rev C; GA.06 Rev C & GA.07 Rev A.
3. The appeal site relates to the site outlined in red on the OS plan attached to this decision letter (Plan Ref: GA.12 Rev E).
4. The development permitted shall not begin until details of the following matters have been submitted to and approved in writing by the local planning authority: (a) the means of enclosure of the site; (b) the provision

of a parking space in the rear garden of 932 Harrow Road; (c) a schedule of the materials to be used externally in the development; (d) foul & surface water drainage and (e) the detailed design of the proposed rear bathroom window which shall provide for obscured glazing and for it to be un-openable below a height of 1.7m above floor level. The dwelling hereby permitted shall not be occupied until the development has been completed in accordance with the approved details.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) the dwelling hereby permitted shall not be altered or extended in any manner, no new window openings shall be formed and no outbuildings shall be erected within its curtilage.