
Appeal Decision

Site visit made on 22 November 2016

by Michael Boniface MSc MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/T5150/W/16/3152550
53C Buckley Road, London, NW6 7LX

- 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 Surinder Mann against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1262, dated 23 March 2016, was refused by notice dated 19 May 2016.
 - The development proposed is the erection of a rear dormer and a roof light.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the character or appearance of the North Kilburn Conservation Area would be preserved or enhanced.

Reasons

3. The appeal property is a second floor flat contained within a terrace of residential properties. The terrace presents a high quality Victorian architecture with a regular pattern of development and uniform appearance. This uniformity in design continues to the rear where modest gable fronted dormer windows protrude from the eaves level at regular intervals.
4. The proposed dormer window would have a flat roof and would be significantly wider than the existing dormer at the rear of the appeal property, and those in neighbouring buildings. It would sit higher on the roof slope, just below the ridge and would extend over the existing dormer, partially enveloping it. The Council accept that the dormer itself is in general conformity with the design guidance contained within its North Kilburn Conservation Area Design Guide, but this provides only very general guidance for when dormer windows might be acceptable. This does not preclude the need for consideration of site specific circumstances.
5. In this case, the proposed box dormer would be at odds with the proportions, spacing and positioning of the existing dormer windows, a characteristic of the terrace and surrounding area. Its design, which would partially overlap the existing dormer, would appear contrived resulting in a cluttered appearance. Its position, high up on the roof slope, would also mean that it would be readily visible in views from Callcott Road, appearing as an incongruous and visually intrusive appendage.

6. Whilst some modern alterations have occurred in the vicinity of the site, including some roof alterations at 55 Buckley Road, these are themselves incongruous and serve only to highlight the potential harm of the development. I do not know the circumstances under which these were granted planning permission, nor have sufficient details been provided in respect of the other examples of development in the area highlighted by the appellant¹ to draw any direct comparisons with the appeal proposal. Indeed, many involve entirely different forms of development. I have had regard to the similar dormer allowed by the Council at 21 Buckley Road but again I do not know the circumstances under which this was approved and it is clear from the photograph provided that no existing dormer windows feature in that case.
7. The requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area applies to the whole area and does not exclude the consideration of impacts arising from development on the rear of buildings. In this case, I have found that the proposed development would be harmful, including in public views within the conservation area. Whilst the harm would be less than substantial in the terms of paragraph 134 of the National Planning Policy Framework, no public benefits have been identified that are sufficient to outweigh this harm.
8. The development is in conflict with Policies BE2, BE9, BE25 and BE26 of the Brent Unitary Development Plan (2004) which seek high quality design that reflects local context and protects character and appearance, particularly in conservation areas; and Policy CP17 of the Core Strategy (2010) which seeks to protect suburban character.
9. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

¹ Planning Ref Nos: 12/1723, 15/0691, 15/0232 and 15/2362