
Appeal Decision

Site visit made on 8 November 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 25 November 2016

Appeal Ref: APP/T5150/W/16/3155990

167A Hanover Road, Brent, London NW10 3DN

- 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 Nnab Nwosu against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1589, dated 18 April 2016, was refused by notice dated 13 July 2016.
 - The development proposed is a proposed single storey rear extension including outbuilding & new vehicular crossover and front driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - (i) highway safety, with particular regard to the safety of pedestrians and the reduction of on-street car parking;
 - (ii) the character and appearance of the surrounding area;
 - (iii) the living conditions of the neighbouring occupants at 165 and 169 Hanover Road, with particular regard to outlook and daylight; and
 - (iv) whether or not the proposed outbuilding is required for a purpose incidental to the enjoyment of the dwelling house.

Reasons

Highway safety

3. The appeal site relates to a ground floor flat within a two-storey semi-detached property, located within a predominantly residential area. The front garden of the appeal site has already been hard surfaced and at the time of my site visit was being used for car parking.
 4. A vehicle crossover is proposed off Hanover Road which would serve the new off-street parking space at the front of the appeal site. From the submitted evidence, the proposed area of hard standing available within the site would not be of a sufficient size to comply with the requirements stated within the Brent Council Domestic Vehicle Footway Crossover Policy (the VFCP). The proposed depth of hard standing is approximately 3.6 metres, although there is
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some dispute as to whether the presence of the two metre boxes on the front wall of the bay window would further reduce the available space. The VFCP states that a minimum depth of 3.8 metres and a written legal agreement signed by the applicant confirming no overhang of their vehicle onto the footway would occur is also necessary. Accordingly, I find that the depth is insufficient and as a consequence, any vehicles parked may overhang the footway which may pose a safety risk for pedestrians. In addition to the inadequate amount of hard standing, no such legal agreement has been supplied.

5. The submitted drawings indicate that access to the parking space would be via a gated access. No details of the proposed gates have been supplied and as such, it is not clear as to which direction the gates would open. Given the modest space available I consider it unlikely that it would be feasible for the gates to open inwards or be closed whilst a car is parked on the hard standing. In addition, if it is proposed to open the gates outwards this is likely to result in a potential safety risk for users of the public footway.
6. In addition, I have no doubt that the proposed landscaping works would visually improve the front of the appeal site. Nevertheless, from the evidence before me only 20% of the front of the appeal site would be retained as soft landscaping. This runs contrary to both Policy BE7 and TRN15 of the Brent Council Unitary Development Plan 2004 (the UDP) and the VFCP which requires that 50% of the front area of the property should have soft landscaping. It is acknowledged that this figure can be reduced to an absolute minimum of 30% for properties with narrower, shorter front gardens. Even if the reduced figure was applied, the proposal would also fall short of this requirement.
7. Hanover Road is designated as a Controlled Parking Zone and permit spaces are located on the highway outside of the appeal site. In order to provide the proposed crossover, the loss of at least one on-street parking space outside the appellant's dwelling would be necessary. During my mid-morning site visit I observed that there were few empty permit car parking spaces to accommodate any additional cars. I appreciate that this was only a snapshot in time; however the demand for spaces is likely to increase further during peak hours and at weekends.
8. It is clear to me that given the number of dwellings on Hanover Road, demand for parking is high. Consequently, the loss of a single car parking space would result in a significant increase in on-street parking pressure. Given the lack of opportunities for on-street parking I consider that problems in respect of highway safety, including inconsiderate parking, may result.
9. The appellant has drawn my attention to the off-street parking at the neighbouring dwelling at no 169. I have little information relating to this and also whether the circumstances which lead to it are comparable to the appeal proposal. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
10. Accordingly, I find that the proposal would result in an unacceptable level of harm to highway safety, with particular regard to the safety of pedestrians and the likely increase in on-street car parking pressure. The proposal is therefore

contrary to Policies BE7 and TRN15 of the UDP and the VFCP which, amongst other things, requires development not to be detrimental to highway safety.

Character and appearance

11. I acknowledge that elements of the scheme would conform to the design principles contained within the Brent Council Altering and Extending Your Home SPG 5 2002 (the SPG) insofar as the proposed height of the flat roof would not exceed 3 metres. However, due to the existing single storey extension, the proposed rear extension would constitute an 'extension to an extension'. The SPG states such development is usually not acceptable, except where no material harm arises.
12. I consider that the proposed extension would represent a very sizeable addition that would dominate the modest proportions of the back of the house. This in itself would be an incongruous feature. Moreover, although the height of the proposal would be acceptable, the cumulative depth of the two extensions would be 6 metres. I consider that due to the relatively modest proportions of the host dwelling, the proposal would, as a whole, swamp the host dwelling.
13. The proposal would therefore not be a subordinate enlargement of the dwelling and its effect would be to unacceptably diminish the integrity of the host dwelling to the detriment of the character and appearance of the surrounding area. Consequently, due to the harm identified the proposal would run contrary to the design aims of policies BE2 and BE9 of the UDP, Policy CP 17 of the London Borough of Brent Local Development Framework; Core Strategy 2010 (the CS) and guidance contained within the SPG.

Living conditions

14. In relation to the neighbouring dwelling at No 165, from my site visit it was evident that the rear of the dwelling had not been extended. I accept that the proposal would be set in from the boundary with no 165 by approximately 1 metre and that the existing boundary treatment would screen a proportion of the extension. Nonetheless, the proposal would introduce a mass of solid masonry which would be visible above it.
15. The result of the combined height and depth of the proposal in such close proximity to the boundary would result in the extension having a significant overbearing effect on the occupiers of no 165. However, I have little substantive evidence before me that the proposal would have a significant effect on light reaching the dwelling. Nonetheless, I find that the proposal would appear oppressive and given the proximity to the windows in the rear elevation of No 165, the outlook would be compromised.
16. No 169 adjoins the host dwelling and has a full width single storey extension which serves a kitchen and dining room. Although the appellant has drawn my attention to the fact that the neighbour at no 169 has permission to further extend the rear by an additional 3 metres, this work had not commenced at the time of my visit. Accordingly, I have therefore based my assessment on the existing situation.
17. The effects on occupants of no 169 would undoubtedly be less pronounced than those at no 165, due to the existing rear extension. I am satisfied that the proposal would not significantly harm the availability of daylight to habitable rooms. In addition, although the proposal is also adjacent to the boundary,

given the existing depth of the rear extension at no 169, I do not consider that the proposal would unacceptably reduce the available outlook.

18. Whilst I have not found harm to the living conditions of the occupiers of no 169, I have found significant harm to the living conditions of no 165, with particular regard to outlook. The proposal is therefore contrary to policies BE2 and BE9 of the UDP, Policy CP 17 of the CS and guidance contained within the SPG which together, amongst other things, seek to ensure that new development does not harm the amenity of occupants of surrounding residential properties.

Outbuilding

19. The proposed outbuilding would be approximately 22.5 square metres and would have smooth render external walls which would be finished in a white paint, to match both the existing dwelling and the proposed rear extension.
20. Whether the proposed outbuilding would be tantamount to being an independent building is a matter of fact and degree. The distinctive characteristic of a dwelling house is its ability to afford those who use it the facilities required for day-to day domestic existence.
21. Although the outbuilding has a proposed shower room, due to its modest size there is no indication that the internal layout would be suitable to being a separate dwelling. Under these particular circumstances, particularly in the absence of a proposed kitchen, I do not consider that the proposed outbuilding would be capable of being used independently with no functional or practical linkage to the existing dwelling without considerable alteration. If I were to allow the appeal, I consider it would be reasonable and necessary to impose a condition restricting the use of the outbuilding to a leisure facility and ancillary to the main dwelling, in the interests of residential amenity.
22. I therefore do not consider that the erection of the outbuilding would be for a purpose incidental to the enjoyment of the dwelling house. Thus, the proposal would not be contrary to the design objectives of Policies BE2 and BE9 of the UDP, Policy CS17 of the CS and guidance contained within the SPG.

Conclusion

23. I accept that the proposal would provide secure off-street car parking for the appellant and increase the amount of living space. However, the significant harm I have found with regards to highway safety, the character and appearance of both the host dwelling and surrounding area and to the living conditions of the neighbouring occupier at no 165 is decisive.
24. Accordingly, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR