

Appeal Decision

Site visit made on 8 November 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/T5150/W/16/3155674

Store next to 2 Eagle Road, Eagle Road, Wembley, Middlesex HA0 4SQ

- 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 Pramod C Shah against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/5271, dated 2 December 2015, was refused by notice dated 22 June 2016.
 - The development proposed is demolition of existing storage building and erection of a two storey two bedroom dwellinghouse with associated car parking, bin stores, landscaping and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing storage building and erection of a two storey two bedroom dwellinghouse with associated car parking, bin stores, landscaping and amenity space at store next to 2 Eagle Road, Eagle Road, Wembley, Middlesex HA0 4SQ in accordance with the terms of the application, Ref 15/5271, dated 2 December 2015, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matters

2. The description of development differs between that given on the planning application form and the Council's decision notice. The appellant has also used the Council's description of development on the appeal form. For the avoidance of doubt, this is the description of the development in the header above and accurately describes the proposal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the future occupants of the proposed dwelling with regard to outlook.

Reasons

Character and appearance

4. The appeal site is located at the eastern end of Eagle Road, a residential street
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predominantly characterised by 2 storey semi-detached and detached dwellings of varying styles and designs. The appeal site is located to the rear of the commercial properties which front Ealing Road and it currently accommodates a single storey, pitched roof store/warehouse building.

5. Many of the properties along Eagle Road are set in a tight formation with little space between the built form, although the 4 semi-detached houses immediately to the west of the appeal site have more space between them as a result of the single storey garages that are located to the side of these dwellings. Generally, the properties in the street tend to occupy fairly deep but narrow plots with the houses fronting and set back from the road behind modest front gardens, many of which include space for the parking of vehicles.
6. The proposed dwelling would align with the prevailing front building line of the neighbouring houses and its design would reflect the materials and some architectural detail that is characteristic of these properties, such as front gable elements and hipped roofs. In accordance with Policy BE2 of the Brent Unitary Development Plan 2004 (UDP) the proposed development would therefore have regard to its local context.
7. I accept that the plot would be of a shallower depth than the properties immediately adjacent; however, in accordance with Policy BE9 of the UDP the dwelling would be of a scale, massing and height that is appropriate to its setting and it would respect local design and landscape characteristics of the adjoining residential development. Moreover, I note that the plot depth would not be significantly dissimilar to the dwellings opposite at 1 and 3 Eagle Road whose rear gardens can also be glimpsed from the public domain. These properties do not appear cramped in the overall context of the street scene and given their similarities to the appeal proposal, I do not consider that the proposed dwelling would appear cramped or out of keeping such that it would have a harmful effect on the character and appearance of this part of Eagle Road.
8. Although the proposed dwelling would be in close proximity to its immediate neighbour at No 2, the existing sense of space between the built form would be retained and a physical gap would still be visually apparent as result of the single storey flat roof garage located to the side of No 2. In addition, as both properties would have hipped roofs with slightly different ridge heights, if No 2 were to be extended at first floor level, I do not consider that an unacceptable terracing effect would be created. Moreover, it is likely that a suitably designed scheme could be submitted to mitigate this in any event.
9. Whilst the dwelling would have a slightly narrower frontage than its immediate neighbours, wide frontages are not prevalent along this part of Eagle Road and it would not therefore appear out of keeping. The proposed dwelling would also occupy the full width of its plot which would be consistent with the other detached properties at this end of Eagle Road.
10. I also note that the detached properties at Nos 1 and 3 are located in closer proximity to the commercial units fronting Ealing Road than the proposed dwelling would be. On the opposite side of Eagle Road therefore, the residential part of the street extends further towards the commercial end.
11. In contrast, the appeal dwelling would be located further away from the main commercial units on Ealing Road. Given that it would be physically closer and

directly adjacent to residential properties, the proposed dwelling would appear as part of the suburban, residential character of Eagle Road; it would not appear as part of the commercial part of the road, despite the existing building being associated with a commercial use.

12. The proposed dwelling would be set well back from the building line established by the flank elevations of the commercial units, which abut the back edge of the pavement of Eagle Road. Moreover, it would be visually separated from them by a passageway which provides access to the rear of these units. To my mind, the siting of the proposed dwelling would clearly define the end of the residential section of Eagle Road and it would not appear as a visually incongruous form of development between the residential properties and the commercial units.
13. I therefore conclude that the proposed development would not have a harmful effect on the character and appearance of the area. I find no conflict with policies BE2 and BE7 of the UDP which requires development to be of a high quality design that does not cause harm to the character or appearance of an area or result in the excessive infilling of space between buildings. The proposal would accord with Policy BE9 of the UDP which seeks to ensure that new building is of a scale, massing and height that is appropriate to its setting, respects local design and landscape characteristics of adjoining development. Moreover, I find no conflict with Policy CP 17 of the Brent Core Strategy 2010 (CS) which seeks to protect the distinctive suburban character of Brent from inappropriate development.

Living conditions

14. Whilst the appeal site is situated to the rear of the commercial units along Ealing Road, it is located some distance from the 2 storey elements of these properties. To the east, the appeal site bordered by single storey, flat roof buildings which are separated from it by a passageway. Therefore, the garden of the proposed dwelling would not be enclosed by tall built development to the east as these low rise buildings would not project significantly above the height of any future garden fence that could be erected. Moreover, given that the buildings are set back away from the boundary, they would not be an unacceptably overbearing form of development.
15. The single storey, flat roof garage of No 2 would extend along much of the western boundary of the proposed garden. However, as this is also a low-rise form of development, it would not project significantly above the proposed boundary fence.
16. I acknowledge that the rear boundary of the proposed garden would be established by the wall of a neighbouring commercial property. This would extend well above the height of the proposed boundary fence. Nevertheless, the Council accepts that the size of the rear garden exceeds the minimum standards as set out in its Design Guide for New Development Supplementary Planning Guidance 2001 (SPG17). As such there would be some 6m between the proposed dwelling and the rear boundary. I consider that this distance is sufficient to prevent any significant loss of outlook from the rear habitable room windows for the future occupants of the dwelling. Moreover, given the low-rise nature of the built development along the boundaries to the west and east, together with the size of the garden, I do not consider that the rear boundary would have a significantly overbearing effect on the garden. Nor do I

consider that there would be an excessive sense of enclosure resulting in an unsatisfactory level of outlook for future occupants.

17. Consequently, I consider that the effect of the proposal on the living conditions of the future occupants of the proposed dwelling with regard to outlook would be acceptable. I find no conflict with Policy BE9 of the UDP which seeks to ensure that development promotes the amenity of users, providing a satisfactory level of outlook for proposed residents, amongst other things.

Other Matters

18. I note the concerns of a neighbouring resident who considers that the development would impact on their outlook, privacy and restrict light to their property. However, the proposed dwelling would not extend any further forward than this neighbouring property, nor would it extend beyond the rear building line. The proposed dwelling would not therefore be significantly perceptible from the front or rear windows of 2 Eagle Road such that it would be visually intrusive or result in an unacceptable loss of light. The proposed development would not give rise to any additional overlooking over and above what would reasonably be expected in a residential area such as this.
19. Whilst I also note concerns regarding the postal address of the proposed dwelling, this is not a planning matter and cannot have any bearing on my decision. Moreover, there is no evidence that the proposal would give rise to an increase in anti-social behaviour in the area.
20. With regard to the highway implications of the proposed development, the dwelling would provide an off-street parking space in accordance with the Council's requirements. There Council has raised no objection to the proposal on transportation grounds and I have no evidence before me to suggest that I should take a different view.

Conditions

21. I have had regard to the conditions put forward by the Council and the appellant's comments. Having considered them against the tests in the National Planning Policy Framework (the Framework) and advice in the Planning Practice Guidance (PPG), I have made changes as necessary.
22. In addition to the standard time limit condition, a condition requiring development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
23. To ensure the satisfactory appearance of the development in the context of the locality, it is also necessary to impose a condition relating to the use of external materials. Whilst the Council suggest a condition requiring details of the front garden layout to be submitted and approved, a proposed landscape plan (02ER01/15/12) has been submitted with the application. This identifies that the front garden would have 27% soft landscaping. Although the Council generally seeks a minimum of 30% soft landscaping, the submitted scheme falls short by only 3%. Given that the frontage of the existing building is currently fully paved, the proposed landscaping will constitute a significant improvement. I do not therefore consider it reasonable to require the submission of a further front garden layout.

24. In order to ensure the provision of off street parking, it is reasonable to impose a condition which requires the proposed parking space to be completed prior to the occupation of the development.
25. Whilst the appeal property is located close to commercial properties, I do not consider that they are sufficiently close enough to warrant the requirement for noise mitigation measures to be designed into the construction of the proposed dwelling. The proposed dwelling would be adjacent to other residential properties and I have no evidence before me to suggest that noise is a significant issue. However, given the residential location of the site, it is reasonable to require the submission of a construction method statement to ensure that the amenity of local residents is not adversely affected during construction.
26. The Council has indicated that the land where the existing store/workshop is situated has previously had a use that may have caused contamination. However, there is no planning history for the site and no evidence has been provided to identify what previous use may have caused contamination. I do not therefore consider it reasonable to impose a condition requiring a contamination assessment to be carried out.
27. It is reasonable to impose a condition restricting extensions or alterations that may otherwise be permitted development, in order to prevent the proposed dwelling from being enlarged excessively in relation to its plot. However, having regard to the Framework and PPG, I do not consider there is clear justification for removing all the permitted development rights suggested by the Council.

Conclusion

28. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Emma Tinsley-Evans

INSPECTOR

SCHEDULE OF CONDITIONS:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 02ER01/15/01A; 02ER01/15/02; 02ER01/15/03A; 02ER01/15/06; 02ER01/15/08A; 02ER01/15/10; 02ER01/15/11; 02ER01/15/12; 02ER01/15/13A; 02ER01/15/14; 02ER01/15/15; 02ER01/15/16; 02ER01/15/17; 02ER01/15/18.
- 3) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the first occupation of the dwelling hereby approved, the parking space shall be completed in accordance with approved plans. The parking space shall thereafter be kept available at all times for that purpose.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i) measures to control the emission of dust and dirt during construction;
 - ii) demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development as set out in Classes A, B and C of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining a specific planning permission from the Local Planning Authority.