
Appeal Decision

Site visit made on 11 October 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 22nd December 2016

Appeal Ref: APP/T5150/W/16/3143507

23A Wembley Hill Road, Wembley, Middlesex HA9 8AS

- 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 Seamus Murphy, Court Home Extensions Co against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/4097, dated 18 September 2015, was refused by notice dated 17 November 2015.
 - The development proposed is Conversion of roof from hip to gable end and installation of rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My site visit was originally to be accompanied by both main parties. Whilst the Council did not attend, the Appellant gave me permission to enter the site. I was able to see all that I needed to see and have determined the appeal on this basis.
3. When the Council made its decision, and at the time that I undertook my site visit, the London Borough of Brent Unitary Development Plan (UDP) 2004 formed part of the adopted development plan. The Council adopted its Development Management Policies Development Plan Document (DMPDPD) on 21 November 2016. As a result, the UDP policies which are referred to in the Council decision are no longer in force. The Council has also drawn my attention to Policies in the DMPDPD and the Brent Core Strategy 2010 which it considers to be relevant.
4. In the interests of fairness I arranged for both main parties to be given an opportunity to comment on any implications of this change of circumstances. No comments were received in response.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.
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Reasons

6. Paragraphs 17 and 56 of the National Planning Policy Framework (the 'Framework') state that planning should always seek to secure high quality design and that good design is a key aspect of sustainable development.
7. The area around the appeal site has a mixed commercial and residential character. Its built form includes the large structure of Wembley stadium, other large modern buildings, and smaller buildings alongside Wembley Hill Road and in residential streets such as Mostyn Avenue which run off this.
8. The appeal property itself is in mixed use as a ground floor café with flat above and forms one end of a two storey terrace at 23-31 (odds) Wembley Hill Road. Land to the south includes a railway cutting and the property and terrace as a whole are prominent in views from along a fairly substantial section of Wembley Hill Road.
9. The design of the units at 23-31 Wembley Hill Road contains some variation, for example within their 'shop fronts'. However the underlying scale, massing and design of the terrace have clearly defined themes. Whilst the front of the terrace has a series of consistently proportioned front facing gables, its ends, including the appeal property, each have a hipped roof, and rear outrigger with pitched roof, facing towards the side. Whilst straight gables exist in other locations nearby and there are breaks in the ridge line of the terrace, the hipped gables at numbers 23 and 31 together help to create a sense of balance for the design of the terrace as a whole. This is clearly perceived in views from across Wembley Park Road and plays an important role in defining the character of the terrace.
10. The proposed alterations would use facing materials to match the existing and would not affect any Conservation Area or other designated heritage asset. The rear dormer would also be less than half the width of the proposed rear roof pitch, be set down from the main roof ridge of the appeal property, set in from the sides of the building as enlarged, and have a rear facing window with a similar design to an existing rear first floor window. There are also some examples of flat roofed dormer extensions such as that proposed in the surrounding area.
11. However, by replacing the current hipped gable with a straight gable, the appeal proposal would result in the roof of the appeal property no longer closely reflecting that at 31 Wembley Park Road. The new gable would also no longer align with the outward sloping roof on the rear outrigger of the appeal property and the proposed flat roofed rear dormer would awkwardly straddle the ridge of the rear outrigger. Whilst the dormer would be part hidden from public viewpoints, it would be seen from nearby properties and the development as a whole would be prominent in views from Wembley Park Road. The proposal would cause the sense of balance of the terrace as a whole to be compromised and appear incongruous in the street scene.
12. I agree with the Appellant that the Council's 'Altering and Extending Your Home' Supplementary Planning Guidance 2002 (SPG5) is mainly focused on properties and areas in residential rather than mixed use and carries limited weight in my decision. I also acknowledge that Permitted Development rights exist in many cases to enlarge dwellings by converting a hipped roof to a gable.

However, these rights do not apply to the appeal premises and do not justify development which is harmful to the street scene.

13. For reasons which are set out above, I conclude that the proposed development would cause harm to the character and appearance of the host property and the surrounding area and thereby conflict with relevant provisions in Policy DMP1 of the DMPDPD and the Framework.
14. Paragraphs 60 and 187 of the Framework state that local authorities should not impose their own architectural styles and tastes and should look for solutions rather than problems. However, this does not mean that they should accept development which would fail to take sufficient account of its context. Although paragraph 65 of the Framework discourages local authorities from refusing permission for buildings which promote high levels of sustainability, this is dependent on any harm to the townscape being mitigated through good design. It is also not clear that the appeal proposal would in any event have unusually high levels of sustainability for example in terms of energy efficiency.
15. I acknowledge that in the appeal decision relating to 10-12 Craven Park Road, an Inspector allowed a proposal for a hip to gable roof extension which also included several front and rear dormer extensions. However, that decision was based upon the specific merits of that proposal and the surrounding context. I have in any event considered the appeal, as I must, on its own merits having regard to the development plan and other considerations.

Other Considerations

16. The proposed gable alteration would enable sufficient headroom to be provided for a staircase to serve a new third bedroom within the appeal premises. This would enable the amount of residential accommodation to be increased in a location which is within easy commuting distance of central London and would be a material benefit from the proposal. The proposal would also not cause any loss of sunlight, daylight, privacy or outlook to the occupiers of any nearby dwellings. However, the amount of additional accommodation would be limited and these points do not outweigh the harm that I have identified.
17. The Appellant has stated that the area including the appeal site could be subject to comprehensive redevelopment in the future and is covered by the emerging Wembley Action Area Plan. However, there is no confirmation of the likely timescale or form that such redevelopment may take and this point does not justify allowing development which would be harmful.
18. The Appellant has referred to paragraph 14 of the Framework, which sets a presumption in favour of sustainable development. However, this does not indicate that permission should be granted for development which conflicts with up-to-date development plan policy relating to design quality.

Conclusions

19. I have found that the appeal proposal would cause harm to the character and appearance of the host property and the surrounding area which would not be outweighed by any other factor. I therefore dismiss the appeal.

Jonathan Clarke

INSPECTOR