

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: 28 December 2016

Appeal Ref: APP/T5150/W/16/3156520

Garages rear of 39 Keslake Road, Peploe Road, London

- 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 Ivo Hesmondhalgh against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/0440, dated 1 February 2016, was refused by notice dated 24 March 2016.
 - The development proposed is demolition of 4 existing garages and erection of a 4 bedroom dwellinghouse set at ground and basement level, with associated car and cycle parking spaces, bin stores, landscaping and amenity space.
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Decision

1. The appeal is dismissed.

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 Queens Park Conservation Area;
 - the living conditions of the occupants of neighbouring properties with regard to outlook from 37 and 39 Keslake Road and 42 and 44 Kempe Road; and
 - highway safety, with particular regard to parking.

Reasons

Character and appearance

4. The appeal site comprises a single storey building including 4 garages that front Peploe Road. The site is located between the end properties on Keslake Road and Kempe Road, in the Queens Park Conservation Area (QPCA), a designated heritage asset as defined in the glossary at Annex 2 of the National Planning Policy Framework (the Framework).
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5. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets and I have a statutory duty, under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. As outlined in the Queen's Park Conservation Area Design Guide, the area is characterised by its unified urban layout. It has a grid-based street pattern, comprising rows of 2 storey Victorian and Edwardian terraced properties of a generally consistent scale and form. This contributes to the regular and coherent character and appearance of the area.
7. However, this part of Peploe Road is characterised by the side gables, garden walls and fences of the properties fronting Keslake Road and Kempe Road, with small scale garages in between. This provides a sense of openness to the rear of the dwellings when viewed from Peploe Road.
8. Whilst the existing garages on the appeal site are of little architectural merit, their materials, height and form are appropriate to their setting and they appear subservient in the street scene. The small scale nature of the garages, with their shallow mono-pitched roof fronting a small parapet wall with railings above, also allows views between the rear of the properties on Keslake Road and Kempe Road from Peploe Road. Although the existing rear gardens of the properties on Keslake Road and Kempe Road cannot be seen, the upper floors remain visible and the grid-based street pattern and unified layout that is characteristic of the area is discernible.
9. The appeal proposal would see the existing garages replaced with a 4 bedroom dwelling comprising a half basement and upper ground floor. In contrast to the existing garages, the height and massing of the appeal proposal would be considerably greater. Whilst the new dwelling would have a 'flattened' vaulted roof, broken up into 4 sections with valleys between to allow some views through, it would nevertheless appear bulky in the streetscene.
10. Visually, the dwelling would appear to fill in more of the space between the rear of the properties on Keslake Road and Kempe Road contrary to Policy BE7 of the Brent Unitary Development Plan 2004 (UDP) which seeks to resist the excessive infilling of space between buildings.
11. The proposed dwelling would restrict the views between the rear of the properties on Keslake Road and Kempe Road and conceal the characteristic uniformity that is evident in this part of the QPCA. The proposal would reduce the openness of the existing site and would be an overbearing form of development fronting Peploe Road.
12. Moreover, the southern end of the roof nearest 44 Kempe Road would also be larger than the other sections of the vaulted roof. As this would occupy quite an open corner of the appeal site, longer range views would also be available from further south along Peploe Road. This would exacerbate the prominence of the roof form from the junction of Kempe Road and Peploe Road to the south west of the appeal site.
13. I appreciate that a number of design modifications have been made to the proposed development in order to overcome a previous refusal of planning permission and subsequent appeal dismissal. The roof form and materials

have been changed; the height of the proposal has been reduced, along with changes to the detailing of the front elevation.

14. The use of decorative brickwork in the front elevation would reflect some of the detail that is characteristic of the properties in the surrounding area. The diaper brick work pattern would also relate to the patterns found on other properties in the area and would provide interest to the street scene along this part of Peploe Road. I also consider that the depth of the clerestory window is acceptable in that it would allow the height of the existing boundary wall at 44 Kempe Road to be continued through into the design of the dwelling and provide consistency to the street scene.
15. Moreover, the materials used in the front façade would not, to my mind, fail to relate to their surroundings and whilst there would be an element of repetition to the front elevation, this would not detract from the character or appearance of the area, which also exhibits uniformity and regularity. Consequently, I consider that the detailed design of the front elevation would preserve the character and appearance of the Conservation Area.
16. Nevertheless, whilst overall design changes have resulted in an improvement to the previously refused scheme, I consider that the height, bulk and mass of the proposed development relative to the existing garages would still result in an incongruous form of development that is visually obtrusive in the street scene.
17. Whilst I note that planning permission has been granted on appeal for a single dwelling in a similar gap on the opposite side of the road, I am mindful that the dwelling permitted would be of a smaller scale than the current appeal proposal and that the garages that would be replaced are in a dilapidated condition.
18. I conclude that the proposed development would harm the character and appearance of this part of the QPCA and would therefore fail to preserve or enhance the character or appearance of the Conservation Area as a whole. However, the harm to the significance of the Conservation Area would be less than substantial in this case. Consequently, in accordance with the paragraph 134 of the Framework, it is necessary to consider any public benefits of the development.
19. The provision of an additional family sized dwelling in the Borough would fulfil a housing need and is therefore a benefit of the proposal. In addition, there would be some economic benefits as it would generate income for the Council and the provide jobs during the construction of the development. However, given the small scale nature of the proposal, these public benefits would be relatively minor and I do not consider them sufficient to outweigh the harm to the character and appearance of the Conservation Area.
20. I therefore conclude that the appeal proposal would have a harmful effect on the character and appearance of the QPCA. It would be contrary to Policies BE2 and BE7 of the UDP which seek to ensure, amongst other things, that proposals are designed with regard to their local context and do not cause harm to, or have an unacceptable visual impact on Conservation Areas. I also find conflict with Policies BE9 and BE25 of the UDP which seek to ensure new buildings are designed to be of a scale, massing and height that is appropriate to their setting and pay special attention to the preservation and enhancement of the character or appearance of Conservation Areas, amongst other things.

Living conditions

21. The appeal site is situated in close proximity to neighbouring residential properties. It appears to occupy the area that was previously the rear garden of 39 Keslake Road with the rear garden of 37 Keslake Road located immediately to the east, and the rear gardens of 44 and 42 Kempe Road to the south.
22. In a scheme previously dismissed at appeal, the Inspector concluded that there would be no harmful loss of outlook for the occupants of 39 Keslake Road due to the absence of habitable room windows. He also considered that there would be no significant effect on the outlook for the occupants of 35 Keslake Road and 42 Kempe Road, or the occupants of the properties beyond, due to their distance from the appeal site.
23. I consider that the same reasoning also applies in this case. I have seen that the window in the elevation of 39 Keslake Road which faces the appeal site is obscure glazed and as such, there would be no harmful loss of outlook for the occupants of this property. I acknowledge that compared to the previous scheme there would be a small increase in the height of the proposed dwelling towards the north eastern corner of the site, at which point it would also come slightly closer to the boundary with 37/39 Keslake Road. However, given that the overall height has been reduced relative to the previously dismissed scheme, together with the distance between the proposed dwelling and 35 Keslake Road, 42 Kempe Road and the properties beyond, there would be no significant loss of outlook for their occupants.
24. With regard to 37 Keslake Road, the part of the proposed dwelling that would be higher and closer to the boundary than the previously dismissed scheme would extend for only a short distance beyond the protruding rear buttress that already exists at that property. It would not therefore be visible from the windows of No 37 and would not have an overbearing effect on the garden.
25. Moreover, whilst the proposed dwelling would be higher than the garages currently occupying the site, much of the built form would be set back from the existing boundary wall with No 37. It is proposed that this boundary wall be retained and given the separation distance that would be provided by the internal courtyard of the proposed dwelling, the upper floor balconies and windows would appear to be below the height of this wall when viewed from the garden of No 37.
26. The CGI images provided by the appellant further demonstrate that only the upper part of the outer walls and roof of the dwelling would be visible from the garden of No 37. The vaulted roof, which would be broken up into 4 sections with valleys between, would slope away from the boundary with No 37. This would reduce its overall mass and relieve any sense of enclosure that may be experienced by the occupants of this property. Consequently, I do not consider that the proposal would increase the sense of enclosure or be an overbearing form of development that would harmfully change the living conditions of the occupants of No 37.
27. The existing garage building also forms the rear boundary of 44 Kempe Road. The proposed dwelling would project above this existing boundary wall, extending for around half the width of the garden. At present, the occupants of this property have an open outlook towards the rooftops of the properties opposite on Keslake Road. However, the eaves height of the proposed dwelling

would project around 0.9m above the existing boundary wall and whilst the part of the roof nearest No 44 would be 'squared-off' to push the mass of the main part of the roof slightly further away from the boundary, at its apex it would be much higher than the boundary wall.

28. The proposed dwelling would result in additional built development, which is considerably higher than the existing boundary wall, being closer to the rear garden of No 44. Whilst this may reduce the perception of being overlooked from the properties on Kelsake Road, I do not consider that this is sufficient to outweigh the increased sense of enclosure that would occur.
29. By virtue of its height and proximity I consider that the proposal would be a bulky addition at the rear of the garden which would reduce the openness and restrict the outlook currently experienced by the occupants of this property. Whilst planting in the 'squared-off' recessed area would help to soften the visual impact of the development, there would be an increased sense of enclosure in garden area to the detriment of the living conditions of the occupants of No 44.
30. I therefore conclude that the proposed development would not have a harmful effect on the living conditions of the occupants of neighbouring properties with regard to outlook from 37 and 39 Kelsake Road, or 42 Kempe Road. It would however, have a harmful effect on the living conditions of the occupants of 44 Kempe Road, with regard to outlook.
31. The proposal is therefore contrary to Policies CP17 of the Brent Core Strategy 2010 (CS) and BE2 of the UDP which seeks to ensure that development respects the setting of existing dwellings and has regard to its local context. It would not accord with Policy BE9 of the UDP which states that new buildings should be of a scale, design and have a relationship to each other which promotes the amenity of users, including outlook for existing residents.

Highway safety

32. There is a high prevalence of on-street parking along both sides of Peploe Road and in the area generally. The appeal proposal would generate an increase in demand.
33. However, the current garages have parking restrictions to the front and the proposed development would see the existing 16m long crossover being reinstated to a footway which would allow the existing on-street parking bays to be extended. This would increase the overall on-street parking capacity of the street and could provide 3 additional spaces, exceeding the Council's parking requirement of 1.2 spaces for the proposed development.
34. Whilst the highway authority had no objection to the proposed development, I note that the Council, in determining the application, had regard to the previous appeal decision. In considering that appeal, the Inspector noted the limited opportunities for 2 cars to pass along Peploe Road and concluded that the provision of 3 additional parking bays would further limit these opportunities to the detriment of highway safety.
35. However, I have had regard to the appellant's additional transport evidence submitted with the appeal which shows that 2 additional parking spaces could be provided at each end of the existing crossover. This would increase the parking capacity along Peploe Road and would meet the parking requirement

for the proposed development, whilst still maintaining a passing facility of around 7.6m to ensure the free flow of traffic. I consider that this would address the previous Inspector's concerns and the works could be secured by an appropriate planning condition.

36. Consequently, subject to this condition being satisfied, I do not consider that the proposed development would have a harmful effect on highway safety, with particular regard to parking. I find no conflict with Policy TRN3 of the UDP, which seeks, amongst other things, to ensure that proposals do not cause unacceptable traffic management or road safety problems. The proposed development would also accord with the Council's adopted parking standards as set out in Policy PS14 of the UDP and would thereby accord with Policy TRN23 of the UDP which seeks conformity with these standards.

Other Matters

37. I am mindful of the local objections to the appeal proposal and I have sought to address the main issues in my reasoning above.
38. There are also some concerns about the privacy of future occupants of the proposed dwelling, particularly when viewed from the upper floors of the properties along Keslake Road. However, I note that there is already a degree of mutual overlooking in the area given the back to back nature of the properties. In addition, due to the distance between the appeal dwelling and the surrounding properties, together with the position of the windows and the internal layout of the proposed dwelling, I do not consider that there would be a harmful loss of privacy for future occupants of the dwelling.
39. Similarly, with regard to noise and potential light spill into the gardens of the surrounding properties, I do not consider that a single additional dwelling would result in a significant worsening of the current situation, given the existing residential nature of the area.
40. There have also been concerns raised around basement excavation and local sub-soil issues. However, I am mindful of the appellant's Structural and Civil Report which outlines the surveys that have been undertaken to ascertain the risks to neighbouring properties and to assess the proposed impact of the new dwelling. It is concluded that with proper consideration of the sequencing of the excavation of the site and appropriate stability installation, no significant impact is expected on the surrounding buildings. I have no other evidence before me to the contrary. In addition, were I minded to allow the appeal, the excavation works would be for a temporary period only and an appropriate planning condition could be imposed to restrict the hours of construction.

Conclusion

41. Whilst I do not consider that the proposal would have a harmful effect on highway safety or be detrimental to the living conditions of the occupants of 39 or 37 Keslake Road, or 42 Kempe Road, this does not outweigh the harm to the living conditions of the occupants of 44 Kempe Road or the harm to the character and appearance of the QPCA that I have identified.
42. For the reasons set out above and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Emma Tinsley-Evans
INSPECTOR