
Appeal Decision

Site visit made on 23 January 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 3rd February 2017

Appeal Ref: APP/T5150/W/16/3160073
75A Temple Road, London NW2 6PN

- 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 Mrs Soline Lamusse against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2971, dated 8 July 2016, was refused by notice dated 2 September 2016.
 - The development proposed is 'loft conversion'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is evident from the submitted plans that the proposed development is a dormer to the rear and 2 rooflights to the front. The Council's decision notice describes the proposed development as "Erection of a rear dormer window and the insertion of two front rooflights to the first floor flat", and I note that the appellant has used this description on the appeal form. This revised description of development more fully and appropriately describes the appeal proposal. I have therefore considered the appeal on that basis as neither of the parties would be prejudiced or caused any injustice by me taking this course of action.
 3. The Council's decision notice refers to Policies BE2 and BE9 of the London Borough of Brent Unitary Development (UDP). However, the UDP policies have now been superseded by the London Borough of Brent Local Plan Development Management Policies (DMP), which was adopted in November 2016 after the appeal was submitted. Development Management General Policy DMP1 of the DMP states that development will be acceptable provided it is, amongst other matters, of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality. Appendix 4 of the DMP sets out that UDP Policies BE1–12 in respect of the built environment have been replaced by national or regional policy in the form of the National Planning Policy Framework (the Framework) and the London Plan. The change in policy was set out in the Council's appeal statement and the appellant has had the opportunity to make comment on this matter. Both sets of policies have similar design aims and so neither party has been prejudiced by this change in policy circumstances.
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Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the appeal property and the surrounding area.

Reasons

Character and appearance

5. The appeal property is a mid-terraced upper floor flat located on the south side of Temple Road in a long row of 2 storey residential properties.
6. The Brent Supplementary Planning Guidance 5: Altering and Extending Your Home (the SPG) notes that the roof form of a house and other houses in the street is a significant part of the area's character. In order to respect the character and appearance of the property and surrounding area, the SPG stipulates that rear dormers should be of the same proportion as the original windows below, no wider than half the width of the original roof plane, set down from the ridge by at least 0.3m and up from the eaves by at least 0.5m. It further advises that the style of windows installed in dormers should be in keeping with the rest of the property.
7. The proposed dormer would terminate just below the ridge and it would occupy almost the full width of the rear roof plane. Furthermore, the placement and proportions of the windows within the face of the dormer would not reflect the fenestration on the rear elevation of the appeal property. In these ways, the appeal proposal would not accord with the requirements of the SPG and would create a bulky, unduly dominant and discordant feature which would fail to respect the existing proportions and architectural form of the host building and the terrace as a whole. Consequently, whilst the materials proposed would reflect those used in the host building, given its high level position on the roof the proposed dormer would appear as an incongruous and obtrusive feature.
8. The appeal property, in common with the rest of the terrace, has a substantial 2 storey outrigger to the rear which, together with the fairly limited depth of the plot, restricts views along the rear roofline of the terrace from the back garden. For the same reasons, views of the proposed development from neighbouring back gardens along Temple Road would also be fairly limited. However, the appeal site backs on to a row of terraced residential properties located to the south on Mora Road, and the proposed dormer would be highly visible from the rear of these properties. The lack of public views is no basis for allowing the appeal proposal given the harm it would cause to the character and appearance of the appeal property and the surrounding area.
9. The appellant makes reference to a number of smaller dormers to the rear of the terrace, although I have not been provided with the addresses or details of these developments and I did not observe any during my site visit. I did note that several properties on Mora Road have substantial dormer extensions which are clearly visible from the rear of the appeal site. Again, I do not have any evidence regarding their planning history. However, rather than setting a precedent for the appeal proposal, these dormers serve to highlight how the cumulative effect of incremental changes to buildings can harm the character and appearance of an area. I therefore attach limited weight to these other developments.

10. The appellant makes reference to a recent appeal decision in respect of a proposed rear dormer at 43A Clifford Gardens in Brent. I have not been provided with full details of that appeal scheme and am not aware of the site circumstances. Consequently I attach it limited weight and, in any event, I must determine the appeal on its own merits.
11. The SPG states that roof lights must not dominate any roof plane and that no more than two roof lights will be permitted on the road facing roof slope. The proposed roof lights within the front roof plane would be of a fairly modest scale in proportion to the host building, so they would not be inappropriate. However, the roof lights would serve the proposed loft conversion and so are integrally linked to the overall appeal proposal. As such, they would not be clearly severable from the proposed dormer window element of the scheme.
12. For the reasons set out above, I conclude that the proposed roof extension would have a harmful effect upon the character and appearance of the appeal property and the surrounding area. As such, the appeal proposal would be contrary to the design aims of Policy CP17 of the London Borough of Brent Local Development Framework Core Strategy, Policy DMP1 of the DMP and the SPG, and to the core planning principles set out in paragraph 17 of the Framework which seeks to secure high quality design.

Other matters

13. Although the appeal proposal would afford some very oblique views over surrounding properties, a degree of mutual overlooking is not uncommon in suburban residential development and I do not consider that the appeal proposal would cause harm to the living conditions of neighbouring occupants by way of loss of privacy. Given the siting of the proposed dormer in relation to the existing roof of the appeal property and the windows on the adjoining property, there would be no harm to the outlook of neighbouring residents. However, the absence of harm in these regards does not outweigh the harm to the character and appearance of the appeal property and the surrounding area that I have identified in respect of the main issue.

Conclusion

14. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR