
Appeal Decision

Site visit made on 28 March 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/T5150/D/16/3163171
234 East Lane, Wembley HA0 3LQ

- 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 Ali Haider against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3288, dated 25 July 2016, was refused by a notice dated 30 September 2016.
 - The development proposed is the retention of a rear outbuilding as conservatory and removal of cricket pit netting.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was clear at the time of my visit that the outbuilding has been constructed and the revised roof profile shown on proposed drawing ref. CAD/2016/234EL-FP-3/Rev.3.0 was in place. The cricket pit netting has also been removed. I have therefore determined this appeal on the basis that the development has already occurred.
 3. I understand that the cricket pit netting has been the subject of an enforcement notice issued by the Council. Although its removal formed part of the description of the development on the application form, it is clear from the Council Officer's report that it is not a matter which formed part of their considerations in respect of the outbuilding. I too shall therefore confine my considerations solely to the outbuilding.
 4. I am aware from other cases within the Borough that policies from the Brent Unitary Development Plan, 2004, referred to by the Council in its decision notice, have been superseded by policies from Brent's Development Management Policies, Development Plan Document (DMPDPD) 2016, which has been adopted since this appeal was submitted. I have not however been provided with details of any policies from the DMPDPD which would be relevant to this appeal. The Council has drawn my attention to Policy DMP 18, however this relates to the occupancy of residential outbuildings, and this is not a matter of dispute in this appeal case.
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Main Issue

5. The main issue in this case is the effect of the rear outbuilding on the character and appearance of Sudbury Court Conservation Area.

Reasons

6. The Sudbury Court Estate was developed during the inter-war period and has been subsequently designated a Conservation Area. The Sudbury Court Conservation Design Guide (DG) attributes its special character to the spacious positioning of the houses, which are set back from gently curved tree-lined roads, and have generous rear gardens. Section 5 of the DG further recognises that gardens are as important to the character of Sudbury Court Conservation Area as the houses, and provide an aesthetic and environmental value.
7. 234 East Lane is situated within Sudbury Court Conservation Area. It has a deep rear garden which, together with the open and verdant garden areas of neighbouring properties, makes an important contribution to the character of the area.
8. The outbuilding has a significant footprint and mass. Consequently, despite the size of the rear garden area of No 234, it appears as a dominant structure within it. Moreover, it appears visually incongruous by reason of its overtly domestic design, which is reinforced by the use of non-traditional materials. Whilst neighbouring properties also have outbuildings within their gardens, from what I could see on my visit, they are much smaller, utilitarian buildings which sit comfortably within their garden setting.
9. I have had regard to the DG, and to the Council's adopted Supplementary Planning Guidance, Building in Gardens in Conservation Areas (SPG20), which provide guidance on the size and design of garden buildings. I acknowledge that in this case the appeal property has a garden length in excess of 25 metres, and I also accept that the dimensions set out in this guidance should not be prescriptive. However, it is clear to me that the footprint, overall scale and design of the outbuilding clearly conflicts with the guidance's overall aim of ensuring garden structures preserve or enhance the character and appearance of conservation areas.
10. I recognise that the appellant has amended the roof profile of the outbuilding to reduce its height, and I have also had regard to the boundary hedge planting which provides some screening. However, by reason of the building's large scale and stark domestic appearance, it is visually conspicuous from neighbouring properties. Moreover, it detracts from the open character of the rear garden which contributes significantly to the character and appearance of the Conservation Area.
11. I conclude that the rear outbuilding causes significant harm to the character and appearance of Sudbury Court Conservation Area. It causes less than substantial harm to the Conservation Area as a heritage asset. This harm is not outweighed by any public benefits, including the social benefits of providing additional accommodation for the appellant. The proposal is therefore contrary to policies in the National Planning Policy Framework which seek to conserve and enhance the historic environment. I also find conflict with the Sudbury Conservation Design Guide and SPG20 which seek to ensure, amongst other things, that new development, including garden buildings, contribute to local

distinctiveness, respects local context, and preserves the character of a conservation area.

Conclusion

12. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR