
Appeal Decision

Site visit made on 25 April 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 03 May 2017

Appeal Ref: APP/T5150/W/17/3166927
19C Harvist Road, London NW6 6EU

- 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 Sue Guan against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/1659, dated 19 April 2016, was refused by notice dated 13 July 2016.
 - The development proposed is a new roof dormer and the creation of a roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the proposal preserves or enhances the character or appearance of the Queens Park Conservation Area and (ii) the effect of the proposal upon the occupiers of neighbouring residential properties in respect of privacy.

Reasons

Site and proposal

3. The appeal site comprises a three storey mid terraced property which has been converted into three self-contained flats. The appeal property relates to the second floor flat (including loft area) and it falls within the Queens Park Conservation Area (CA). It is proposed to erect a rear dormer with steps leading down to a flat roofed outrigger which would be used as a roof terrace with a 1.5 metre privacy screen around its perimeter.

Conservation Area

4. The CA as a whole includes a mainly unified urban layout with high quality two and three storey properties. The park is a fine example of Victorian urban green space and the road frontage vegetation in Harvist Road, coupled with trees within the pavements, complements the overall high quality and verdant environment. Harvist Road is residential in character and includes long and imposing terraces which are mainly traditional in appearance and include attractive front bay windows. The front roof slopes are mainly unbroken and whilst some roof alterations have taken place to the rear of properties the vast
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majority do remain unaltered. Collectively, these features give the area its distinctive character and appearance.

5. The rear dormer would be acceptable in terms of its size and position within the rear roof slope of the host property. In this regard, it would accord with the design guidance in the Queens Park Conservation Design Guide 2013. However, the front face windows would be large and wide and would not respect the size/proportions of the windows at lower levels. This would have the effect of making the dormer appear very top heavy.
6. I acknowledge that there are some rear roof alterations that exist within the terrace and wider locality (including No 6 Harvist Road) as referred to by the appellant. However, when considered as a whole the appeal development is not directly comparable to other roof alterations in the area. In this case it is proposed to include steps leading from the roof dormer and down to a lower roof terrace which would include a 1.5 metre perimeter privacy screen. Collectively, this would have the effect of introducing a very bulky, dominant and incongruous form of development to the rear of the host property. I accept that the affected roof slope would be to the rear of the building, but the development would still be very noticeable and visually intrusive when viewed from surrounding rear gardens and from public land including parts of Claremont Road and Salisbury Road.
7. In the context of Paragraphs 133 and 134 of the National Planning Policy Framework (the Framework), I conclude that the harm to the significance of the Conservation Area is less than substantial; but I do not consider that there are any identified public benefits sufficient to outweigh that harm. The development fails to preserve or enhance the character or appearance of the Conservation Area, contrary to the conservation and design aims of saved Policies BE2, BE9, BE25 and BE26 of the Brent Unitary Development Plan (UDP); the Queens Park Conservation Area Design Guide 2013 and the Framework.

Living Conditions

8. The proposed roof terrace would include a 1.5 m high privacy screen set in by about 0.5 metre from the edge of the roof. At this height there would be scope for some overlooking of the windows to the neighbouring property (i.e the outrigger to the west) and to the surrounding garden areas (including the garden associated with the host building) particularly when users of the terrace were standing. I accept that gardens are already overlooked as a result of existing windows and a balcony, but the proposal would exacerbate the degree of overlooking.
9. The appellant has indicated that they would accept a planning condition which would require that the privacy screen was increased further in height. However, when considered against the proposed dormer and its associated steps, this would have the effect of creating an even more prominent and incongruous form of development thereby causing greater harm to the character and appearance of the host property and the CA. Consequently, I do not consider that it would be appropriate to impose such a planning condition.
10. For the reasons outlined above, I conclude that the proposed roof terrace would result in material harm being caused to the occupiers of neighbouring residential properties in respect of loss of privacy. Therefore, it would not

accord with the amenity aims of Policy BE9 of the UDP; SPG 5 "Altering and Extending Your Home" 2002 and the Queens Park Conservation Area Design Guide 2013.

Other Matters

11. The appellant has referred to the fact that the proposal would provide some outside amenity space for residents of the host property. I acknowledge that this would be a positive attribute, but nonetheless this would not outweigh the identified harm that would be caused to the CA and to the living conditions of the occupiers of neighbouring properties.

Conclusion

12. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal as a whole would not accord with the development plan for the area or the Framework. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR