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## Appeal Decision

Site visit made on 10 May 2017

**by Debbie Moore BSc (HONS) MCD MRTPI PGDip**

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

**Decision date: 19 May 2017**

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**Appeal Ref: APP/T5150/W/17/3168905**

**The Royal Embassy of Cambodia, 64 Brondesbury Park, Kilburn, London NW6 7AT**

- 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 Bamaiyi against the decision of the Council of the London Borough of Brent.
  - The application Ref 16/4612, dated 20 October 2016, was refused by notice dated 16 December 2016.
  - The development proposed is described as: "Erection of a detached two-storey residential building on vacant car parking land to form two self-contained studio apartments with associated amenity, bins, cycle rack and new drop kerb access".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant has submitted a proposed amendment to the scheme as part of the appeal documentation. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. As it appears that the revised plans were not before the Council when it made its decision, I am unable to accept the amendments as I am not satisfied that doing so would not lead to possible prejudice to interested people.

### Main Issues

3. The main issues are the effect of the development on: (i) the character and appearance of the area; (ii) the living conditions of neighbouring residents and future occupiers, with regard to outlook and amenity space; (iii) surface water run-off and; (iv) on-street parking provision.

### Reasons

#### *Character and Appearance*

4. The appeal site is located on the corner of Brondesbury Park and Sidmouth Road, within a predominantly residential area. The site is occupied by a large detached building and associated land to the rear, which is laid as hardstanding and has been used for parking. The surrounding area is characterised by relatively large detached and semi-detached properties set in generous plots. There is a leisure centre adjoining the rear of the site.
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5. The proposed development would be a detached building that would contain two studio apartments. The building would be sited on the parking area towards the rear boundary of the site. A new vehicular access would be provided on to Sidmouth Road. There would be space within the site for two vehicles to park in front of the building.
6. The building would be of a relatively small scale, when compared with the existing buildings in the vicinity. It would occupy much of the plot, leaving very little private garden space or room for effective landscaping. This would not reflect the established pattern of development in the area, which is characterised by substantial buildings arranged in a spacious and landscaped layout. Moreover, the development would appear cramped due to the size of the plot in relation to the building. This cramped appearance would be accentuated by the area of car parking at the front of the building.
7. The buildings facing Brondesbury Park have long rear gardens, which is a characteristic feature of the area. The development would result in the loss of one of these gardens, albeit that the land to the rear of No 64 is hardstanding. The site is visible in the wider area, due to its corner location, and the building would appear as an incongruous form of development that would not respect the established character and appearance of the area.
8. Consequently, the development would not comply with Policies DMP 1, DMP 11 and DMP 12 of the Local Plan,<sup>1</sup> which seek, amongst other things, to secure development that complements the locality, and any off-street parking preserves the character of the surrounding area. The development would not comply with Policy CP 17 of the Core Strategy,<sup>2</sup> which seeks to prevent the infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings.

#### *Living conditions*

9. The rear elevation of the building would be a large expanse of blank wall, which would be located close to the boundary with No 62. Although the garden of No 62 is relatively long, the design and siting of the development is such that it would be a dominant and imposing structure, when viewed from the neighbouring garden. Consequently, it would adversely affect the outlook from the garden of No 62, to the detriment of the living conditions of its occupiers. Therefore, the development would not comply with Policy DMP 1 of the Local Plan, which seeks to ensure that development provides high levels of amenity and complements the locality, and Policy CP 17 of the Core Strategy, which resists development that would not respect the setting of the existing dwellings.
10. The development would provide a very small area of garden space, amounting to two narrow strips of land either side of the building, which would partly be used as a bin store and for cycle parking. There would be very limited external private amenity space available for the use of future occupants. This would be insufficient for everyday activities such as hanging washing or sitting outside. I appreciate that the area may be close to local parks, but I have no details of how close these are to the site.

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<sup>1</sup> London Borough of Brent Local Plan: Development Management Policies, November 2016

<sup>2</sup> London Borough of Brent Core Strategy

11. The appellant considers that development would meet the standards set out in the London Plan and numerous extracts of appeals in other Boroughs relating to open space standards have been provided. However, the full balance of considerations that informed those decisions is not before me. In any event, the development would not meet the relevant Policy DMP 19 of the Local Plan and the Council's Supplementary Planning Guidance 17 (SPG 17),<sup>3</sup> which require all new dwellings, including flats, to have external amenity private space of a sufficient size and type to satisfy its proposed residents' needs.

*Surface water run-off*

12. The size of the building in relation to the plot means that there is very little space for soft landscaping. The amount of hardstanding may contribute to surface water run-off in the area during times of heavy rain. However, there is already a large area of hardstanding to the rear of No 64 and it is unlikely that levels of run-off associated with the development would be materially greater than existing levels. Consequently, the development would accord with Policy DMP 12 of the Local Plan, in this respect, which seeks to ensure development does not increase surface water run-off.

*On-street Parking*

13. The site is within a Controlled Parking Zone (CPZ) and, along Sidmouth Road, there is on-street pay and display car parking. The amount of on-street parking would be reduced by two spaces as a result of the proposed vehicular crossover. The Council advises that Section 25 of the Domestic Vehicle Footway Crossover Policy states that crossovers will not be permitted where they would result in the loss of more than one residents' parking bay in the CPZ. The development would not meet this guidance. However, the Council also acknowledges that the area is not heavily parked and the site has good access to public transport. Therefore, the loss of the car parking spaces is unlikely to have a negative impact on existing parking, highways or other forms of movement. Consequently, the development would accord with Policy DMP 12 of the Local Plan, in this respect, which seeks to resist development that would harm on-street parking conditions.

**Conclusion**

14. I appreciate that the site is well-located in relation to access to services and transport options, the development would make use of the existing large but underused parking area and the apartments would make a small contribution to the local housing supply. However, these benefits do not outweigh the harm as set out above.
15. For the reasons given above, the appeal is dismissed.

*Debbie Moore*

Inspector

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<sup>3</sup> London Borough of Brent Supplementary Planning Guidance (SPG 17): Design Guide for New Development, October 2001