
Appeal Decision

Site visit made on 16 May 2017

by Oliver Blower MA (T&CP)

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 14 June 2017

Appeal Ref: APP/T5150/D/17/3171772
24 St Gabriels Road, London NW2 4RY

- 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 and Mrs Dundon against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5334, dated 9 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is described as "Addition of Glass Canopy with two sides fixed clear glazed glass."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the host building and immediate area, and whether it would preserve or enhance the character or appearance of the Mapesbury Conservation Area.

Reasons

3. There is a statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area and I must consider the effect of the proposed development from that perspective.
4. Furthermore, although the Council did not refer to the National Planning Policy Framework in its reasons for refusal, it defines a conservation area as a 'heritage asset', and seeks to ensure that heritage assets are conserved in a manner appropriate to their significance². I must therefore assess the significance of the conservation area in those terms, and come to a view on whether the development would cause 'substantial' or 'less than substantial' harm.

¹ This requirement is set down in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is always a material consideration when dealing with appeals in conservation areas.

² The Framework makes it clear that decision-makers should identify and assess the significance of any heritage asset and the impact of a proposal on the significance of the asset. When considering the impact of a development on significance, great weight should be given to the asset's conservation.

5. The Mapesbury Conservation Area (CA) consists of large attractive semi-detached and detached houses constructed of brick with intricate detailing, and generously sized rear gardens with mature planting. These features give the CA a traditional, open, verdant character and appearance.
6. The appeal building is a large traditional brick built detached house with a two-storey rear return and a further single-storey extension. The rear projections are of a similar depth and scale to those of adjacent buildings, so that the houses on this part of St Gabriels Road maintain a broadly uniform building line to the rear.
7. This broad uniformity of the building line provides for a pleasing cohesive appearance and maintains the openness of rear gardens, which positively contribute to the significance of the heritage asset because it preserves the traditional open verdant character and appearance of the CA, particularly when viewed from Lydford Road.
8. I note that the existing single-storey extension to No 24 has a large modern asymmetrical rear window, and that an adjacent extension at No 26 is also modern in appearance, clad in sheet glass and grey metal. Although these extensions both use modern detailing and materials, they are in my view successful insertions that respect - and are subordinate to - their more traditional host buildings. More importantly still, although they differ slightly in depth, they maintain the established and uniform rear building line and thus the characteristic openness of the rear gardens.
9. The proposal seeks the erection of a glass canopy with two frameless laminated glass walls. The roof of the structure would be supported by aluminium profiles in a metallic grey finish that would broadly match the colour of the window frame of the existing single-storey extension. The structure would be approximately 2.5m deep, 4.2m wide and 3m at its highest point.
10. Although largely constructed of glass, the structure would nevertheless reflect and refract light so that its full extent would be visible from Lydford Road. The excessive depth and height of the canopy would extend far beyond the uniform building line, severely diminishing this cohesive feature and appearing incongruous in its setting. It would be read in conjunction with the existing single-storey extension, so that together the structures would appear excessively large and unsympathetic to the scale of the host building. The canopy's excessive bulk would significantly erode the openness of the rear garden which is a defining feature of the immediate area and the CA.
11. Accordingly, I find that the development would harm the character and appearance of the host building and immediate area, and thus would not preserve or enhance the character or appearance of the CA. This finding of harm must carry considerable importance and weight. I am satisfied that the harm caused by the development to the heritage asset is less than substantial, because the development concerned is small scale, but nevertheless permission should only be granted if public benefits would outweigh the harm.
12. The development would benefit the appellant through the provision of sheltered outdoor space. This, however, cannot amount to a public benefit of the scheme, or outweigh the harm caused by the development to the character and appearance of the CA.

13. Consequently, for the reasons given above, the proposed development would cause unacceptable harm to the character and appearance of the host building and would fail to preserve the character or appearance of the CA.
14. The proposed development is therefore contrary to policies DMP1 and DMP7 of the London Borough of Brent Local Plan, Development Management Policies which, amongst other things, seek to ensure that development complements the locality with respect to siting and scale; sustains or enhances the significance of heritage assets by respecting and reinforcing the street scene, views, vistas, building lines and ensuring extensions are not overly dominating; and by retaining spaces where their loss would cause harm.
15. It would also be contrary to policy CP17 of the Core Strategy, which seeks to ensure the distinctive suburban character of Brent will be protected from inappropriate development, and unacceptable development of garden space with out-of-scale buildings that do not respect the setting of the existing dwelling.
16. The appellant refers to other structures in neighbouring gardens, such as at Nos 34 and 27 St Gabriels Road. Although noted I have not been provided with their planning history and, in any event, they only serve to illustrate the harm such development can do to the open character of the CA.
17. I note that the canopy structure would not be fully enclosed, and the appellant states that the structure is 'demountable' and thus not permanent. Nonetheless it is not in dispute that the structure requires planning permission and I have made my assessment on that basis.

Conclusion

3. For the reasons given above, having had regard to all other matters raised, the appeal is dismissed.

O. Blower

Appointed Person