

Appeal Decision

Site visit made on 31 May 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 19th June 2017

Appeal Ref: APP/T5150/D/17/3172101

24 Dartmouth Road, London NW2 4EX

- 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 Tim Morgan-Wynne against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5057, dated 22 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is for the construction of a new single storey basement, the demolition of the existing rear conservatory and the erection of an infill conservatory and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the rear infill extension on the living conditions of the occupants of No 26 in relation to outlook and enclosure;
 - b) Whether or not the proposal as a whole would preserve or enhance the character or appearance of the Mapesbury Conservation Area.

Reasons

Living conditions

3. The proposal seeks to construct a basement under the footprint of the existing house and its conservatory. However, the conservatory would be removed and replaced by a single storey rear extension, below which it is proposed to extend the basement. This element of the proposal would infill much of the gap between the existing rear projection of No 24 and the shared boundary with No 26. It would be set in from this boundary by approximately 0.5m. The extension would be 4.75m deep and would have a maximum height of 3.4m above the existing ground level where the mono-pitched roof would join the host property.
 4. No 26c is the ground floor flat in the adjacent property. I do not have full details of its internal layout, but understand that the only window in this part of the side elevation that faces No 24 serves a bedroom, the outlook from which must already be somewhat restricted. The property appears to have been extended, but the remainder of its flank wall is solid brick.
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5. The proposed extension would be substantially constructed of glass and therefore appear lightweight and translucent. Nevertheless, its bulk would project well above the existing boundary fence, which is approximately 1.8m high. The combined effects of the height, depth and proximity of the extension to the bedroom window would significantly increase the existing sense of enclosure for anyone using this room. I consider it would appear overbearing and give rise to a material loss of outlook from No 26c, notwithstanding the extensive use of glass in its construction. These changes would adversely affect the living conditions of the occupants of this neighbouring ground floor flat. This would be the case even though it would be possible to erect a slightly taller fence without planning permission.
6. I therefore conclude that the proposed extension would be harmful to the living conditions of the occupants of No 26c, arising from loss of outlook and an increased sense of enclosure. The Council's decision notice referred to Policy CP17 of Brent's Core Strategy and Policy DMP1 of the Council's Development Management Policies. However, neither of these policies makes specific reference to the amenity of adjoining occupiers and are therefore of limited relevance to this case. The guidance set out in the Council's Supplementary Planning Guidance Note 5: *Altering and Extending Your Home*, seeks to resist loss of light to neighbouring properties, particularly in relation to infill development, but does not specifically address the issue of loss of outlook or increased sense of enclosure.
7. However, the National Planning Policy Framework (the Framework) takes a broader approach in its core principles stating that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In my view the proposal would fail to meet this test and is therefore unacceptable.

Character and appearance

8. Dartmouth Road lies within the Mapesbury Road Conservation Area. In assessing the proposal I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that Area. As heritage assets are irreplaceable, any harm or loss requires clear and convincing justification. The Framework also advises that any harm which is less than substantial must be weighed against the public benefit of the proposal.
9. Dartmouth Road is characterised by largely unaltered, detached residential properties, most of which date from between 1895 and 1905. They are set in well-proportioned, deep plots along a tree-lined street. The gaps between the properties are small creating an impression of a densely-developed area. The houses have a consistency of style, many being double-fronted with an asymmetrical elevation either side of a large, central, recessed entrance door. These have a canted bay one side topped with either a hipped roof or gable. The repetitive nature of these features creates a sense of rhythm and harmony to the street scene.
10. The front gardens are predominantly enclosed by brick walls and other mature vegetation. They are wider than they are deep but of an adequate size to accommodate parking for several cars. Consequently, in many cases areas of planting in front of the properties have been lost to hard-surfacing, as is the case with No 24. Nevertheless, the boundary walls, mature vegetation, street

trees and the properties' other common design and architectural features all contribute positively to the character of the Conservation Area.

11. The rear elevation of the extension would be entirely comprised of glass and would be two storeys in height. In order to provide this fully glazed elevation within the basement it would be necessary to dig out part of the rear garden and create a small rear courtyard. Steps would then lead from this courtyard to a landing area that would be accessed from the door serving the kitchen. This would require the removal of a considerable volume of material in addition to that which would need to be excavated to form the basement. Elsewhere lightwells would provide natural light to the other rooms in the basement. Two of these would be at the front of the dwelling, one at the side, each served by grills and a fourth at the rear covered with walk-on obscure glass.
12. The width and height of the glazed two-storey extension would dominate the rear of the house. This would detract from the original proportions and characteristics of the existing house, including its rear projection which is a prominent feature of the dwelling. The works to create the lower courtyard and steps would effectively project the building works even further into the garden. This would result in the extension eroding the original plan form of the house, which is one of the key shared characteristics of this group of properties within the Conservation Area.
13. Whilst there can be no objection in principle to a contemporary form of extension, the Mapesbury Design Guide states that extensions should be designed to harmonise with the original building in terms of the use of materials and fenestration. I consider that the extent and scale of the proposed glazing within the extension would fail to respect the more modest proportions and features of the existing house, making the integration of the two appear awkward and cumbersome.
14. Views of the proposal from the surrounding area would be limited due to the presence of trees and other mature vegetation within the adjoining gardens. However, that is not a reason for allowing a proposal that would be out of proportion with the host property. As No 24 makes a positive contribution to a group of similar, largely unaltered buildings within the Conservation Area, these changes would be harmful to the character of that Area, although in terms of the Framework the harm would be less than substantial.
15. Basements appear to be a feature of the properties on Mapesbury Road, where some have either been permitted or extended. However, there is a notable absence of basements within the Dartmouth Road properties. This may be partly because the buildings appear to be a little smaller, as are their front gardens. Nevertheless, the Council accepts that basements with no external trace are not considered to affect the character or appearance of conservation areas. The lightwell in the side elevation would not be seen from the street and would therefore be acceptable. The larger one at the front would follow the form of the bay window; the second would be wider than the existing window serving the study. However, it is proposed that they would be limited to 800mm in depth, covered by a flat metal grill that would be flush with the surrounding paving, and enclosed by a small evergreen hedge.
16. The width of No 24's plot is approximately 10m and it is predominantly hard surfacing. Much of the front garden is exposed to views from the street through the vehicular gap on its eastern side and, to a lesser extent, by a

pedestrian entrance close to the western boundary. The front lightwells could be screened by the low hedges giving the impression of planting around a traditional flower beds. The combined width and depth of these features would reduce the size of the front garden. Nevertheless, it should be possible to accommodate a suitable landscaping scheme that would increase the amount of vegetation in the front garden whilst also providing space for two vehicles to park. This could be secured by condition if the scheme was otherwise acceptable.

17. On this basis, I am satisfied that the front and side lightwells would not be visible from the public realm and would not result in material harm to the appearance of the Conservation Area. The proposal also includes improvements to the front garden wall and the replacement of the existing concrete pavers with York stone. Whilst these elements could be undertaken independently of the appeal proposal, they could be secured by condition as part of the scheme and would enhance the appearance of the house from Dartmouth Road.
18. The Council also expressed concern about the possible loss of trees. Some vegetation at the rear of the house would be lost to construct the rear extension and the associated steps and landing area. However, no substantial trees of amenity value would be affected and protection of boundary vegetation and other trees could be addressed through the imposition of appropriate conditions, in the event that the appeal had been allowed.
19. Drawing the threads of my assessment together, I consider that the proposed lightwells at the front and side of the building to serve the basement extension would be acceptable, but the scale and design of the proposed rear extension would be harmful to the host property. The limited public benefits that would be achieved by improvements to the appearance of the front wall and garden would be insufficient to offset the harm arising from the works at the rear of the building.
20. I therefore conclude that the proposal as a whole would be harmful to the character and appearance of the host property, resulting in a failure to preserve or enhance the character or appearance of the Mapesbury Conservation Area. The scheme would therefore be contrary to Policy CP17 of the Brent Core Strategy, Policies DMP1 and DMP7 of the Development Management Policies, all of which seek to conserve and enhance heritage assets in accordance with their significance, ensuring that extensions are not overly dominant. However, I am satisfied that any conflict with Policy 7.21 of the London Plan, which seeks to protect trees of value, could have been overcome through the imposition of appropriate conditions to protect trees in the vicinity of the site.

Other Matters

21. In assessing the proposal I have also had regard to various other matters raised by local residents, such as the risk of flooding and noise and disruption during construction, but they were not determining factors in this case. However, if the scheme had been acceptable the issue of disturbance during construction could have been addressed through the imposition of appropriate conditions.

22. I appreciate that the appellant was disappointed to have the proposal rejected following his attempts to secure pre-application advice from the Council. However, my role is confined to assessing the scheme on its individual merits in the light of current planning policy.

Conclusions

23. I have found that the proposal would be harmful to the living conditions of neighbours at No 26c. It would also be harmful to the character and appearance of the host property; consequently the Mapesbury Conservation Area would not be preserved.

24. For these reasons, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR