
Appeal Decision

Site visit made on 21 June 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/T5150/W/17/3172014

26A (land adjacent to 26) Temple Road, London NW2 6PP

- 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 J Frankel, Onetrader Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5423, dated 15 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is demolition of existing garages and erection of a dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the street scene and ii) the living conditions of neighbouring residents with particular regard to outlook and daylight.

Reasons

Character and Appearance

3. The appeal site is close to the junction of two predominantly residential terraced streets, Temple Road and Newton Road. The proposed dwelling would be prominently sited as the end terrace property in Newton Road. The fronts of dwellings in this street are characterised by repetition in the position and proportion of various distinctive features including bay windows with projecting gable peaks above and recessed porches. This results in a strong sense of visual rhythm and uniformity along the street.
 4. The proposed dwelling would be in keeping with the forward building line along the terrace and its lower roofline would help to reduce its mass and dominance. However the strong use of regular lines and resulting square and rectangular forms, partial flat roof element and markedly lower roofline would give the dwelling a contemporary appearance that would be distinctly at odds with the uniformity of the adjoining terrace.
 5. The proposal would therefore appear to visually jar with the terrace. In so doing it would appear incongruous with its surroundings and would draw attention to the interruption in visual rhythm along the street scene. I do not therefore agree with the appellant that the dwelling would represent a
-

respectful transition along the street scene, despite the retention of a small gap between it and the side elevation of No 26 Temple Road.

6. I acknowledge that the functionally designed, existing garages occupying the site, which are in poor condition, would be removed. However this, along with the explanation that the design of the dwelling has partly been informed by the physical constraints of the plot, does not justify the harm I have identified above.
7. I have taken into account that the National Planning Policy Framework (the Framework) clearly states that decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation. Nevertheless the Framework goes on to state that it is proper to promote or reinforce local distinctiveness.
8. In this case the proposed dwelling would introduce a form of architecture that would be alien to the character of the street scene and in my view would go beyond acceptable innovation. I conclude that it would result in harm to the character and appearance of the street scene. Accordingly it would fail to reinforce local distinctiveness and in this regard would be in conflict with the Framework. I must give significant weight to this consideration in my decision.
9. I conclude that the development would result in harm to the character and appearance of the street scene. It would therefore conflict with Policy CP 17 of the London Borough of Brent Core Strategy 2010 (CS); Policy DMP1 of the London Borough of Brent Development Management Policies Development Plan Document 2016 (DPD); the Council's Supplementary Planning Guidance 17 – Design Guide for New Development 2001 (SPG) and the Framework insofar as they seek to promote good design that respects the setting of existing buildings and encourages a distinctive sense of place.

Living Conditions

10. No 26 Temple Road is a two storey end of terrace property incorporating an existing upper floor flat. The ground floor accommodation was previously used as a shop, but has the benefit of a recent permission for conversion to two flats granted following appeal. I have had sight of the approved drawing relating to this permission.
11. Whilst the nearest part of the proposed dwelling to the rear of No 26 would be single storey in height beneath a flat roof, it would nevertheless, together with the proposed main two storey side elevation, still be in very close proximity. When also taking into account the set back of the main elevation of No 26 in relation to the projection of an existing two storey rear wing serving that building, the outlook from rear windows in the proposed ground floor flat, referred to as flat 1 on the approved drawing, would appear significantly closed in by the extensive massing of brick boundary walls. This would result in future occupiers of the flat experiencing a very strong sense of enclosure. Accordingly, I am firmly of the view that the proposal would result in oppressive and unacceptable living conditions for future occupiers of that flat.
12. This impact would be reduced in relation to the existing upper floor flat which would also appear to benefit from dual aspect windows serving certain rooms. Whilst the Council has referred to the possible subdivision of this flat, it has not provided evidence of this. Though I am not persuaded that there would be

significant harm to outlook for occupiers of the upper floor flat this does not overcome the harm I have identified above.

13. In terms of daylight and sunlight the appellant has provided a technical assessment which concludes that the proposal would allow for adequate natural light to rooms in the rear of No 26 Temple Road and Nos 1 and 1A Newton Road. However it would appear that the study has not assessed the impact of the development in this regard on the proposed ground floor flats at No 26. Notwithstanding this, because I am dismissing the appeal for other reasons, this specific issue is not pivotal to my decision.
14. Drawing the above considerations together I conclude that the proposal would result in unacceptable living conditions for future occupiers of the proposed ground floor flat 1 in No 26 Temple Road with particular regard to outlook. Accordingly it would conflict with Policy DMP1 of the DPD; the SPG and the Framework insofar as they seek to avoid such an impact.

Conclusion

15. The proposal would result in an additional unit of accommodation, on previously used land, which would add to the choice and supply of housing, albeit that the contribution would be very small. I give some weight to this consideration. However, I have found that the proposal would cause harm to the character and appearance of the area and would result in unacceptable living conditions for future occupiers of No 26 Temple Road.
16. I must take into account that the Government attaches great importance to the design of the built environment and that good design is regarded by the Framework as a key aspect of sustainable development. Furthermore the importance of securing a good standard of amenity for all existing and future occupants of land and buildings is recognised as a core planning principle within the Framework. I therefore attach significant weight to these considerations and on balance conclude that the proposal would not be the sustainable form of development which has the support of national policy when assessed against the Framework as a whole.
17. I therefore conclude, having had regard to all other matters raised, that the appeal should not succeed.

Roy Merrett

INSPECTOR