

## 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: 06 July 2017**

---

**Appeal Ref: APP/T5150/W/17/3172002**

**276 Willesden Lane, Willesden, London NW2 5RB**

- 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 M Ali against the decision of the Council of the London Borough of Brent.
  - The application Ref 16/5576, dated 27 December 2016, was refused by notice dated 13 March 2017.
  - The development proposed is demolition of existing building and construction of a new development of D1 children's nursery and 6 self-contained flats with associated parking, cycle and refuse store and amenity areas.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant submitted a transport assessment and travel plan in relation to the proposal at the 'final comments' stage of the appeal process. Neither the Council nor third parties have had the opportunity to consider and comment on these documents. Because the findings of these assessments may have a bearing on the position of the Council and third parties with regard to parking demand associated with the proposal, in the interests of fairness and transparency I have not taken the assessments into consideration in reaching my decision. It would be open to the appellant, should he so wish, to submit a new application, supported by the additional evidence, for consideration by the Council in the first instance. In any event, it is clear from my conclusions on the other main issues that, even had the additional evidence addressed my concerns in relation to highway safety, the appeal would have failed for other reasons.

### Main Issues

3. The main issues are the effect of the development on i) the living conditions of adjoining residents with particular regard to outlook, light and noise disturbance and future occupiers of the loft flat with particular regard to internal space; ii) the character and appearance of the street scene and iii) highway safety with particular regard to parking demand.
-

## **Reasons**

### *Living Conditions*

4. The appeal site is situated between two large detached residential buildings. Part of the side elevation of the proposed development would be sited closer, than the existing building on the site, to the nearest ground floor window in the rear elevation of the adjoining property at No 278 Willesden Lane. It is undisputed that this window serves a habitable room, is the only window serving that room and is in a set back position, relative to the footprint of the new building. The development would introduce a blank side wall to eaves level, albeit that there would be a modest recess at second floor level. Whilst views from the window in question are already onto the tall side elevation of the existing building, which would extend for slightly longer along the side boundary between the two properties, the overall massing of the proposed side elevation would be greater.
5. I am in no doubt that the proximity of the new building wall combined with its scale and appearance, when also taking into account the existing offshoot to the rear of the neighbouring building, would result in an overbearing sense of enclosure for neighbouring residents at No 278. This in turn would result in harm to their standard of outlook and living conditions. Furthermore in the absence of any technical assessment to the contrary, it seems to me that the closeness of the buildings to one another would be unduly harmful to the amount of natural light entering the rear room in question.
6. The building on the opposite side of the appeal site, No 274, also has windows in the rear elevation. However, by contrast, these windows are not as set back in relation to the proposed development therefore reducing the impact on outlook and light from this perspective. This however, does not overcome the harm that I have identified above.
7. The submitted documents demonstrate that the proposed nursery would accommodate up to 40 children. Whilst I have no doubt that nursey facilities can provide a highly valued service in terms of the security, care and development of children, whilst helping parents to organise their working day, and there may be demand in the area for such a facility, it seems to me that the interactions of so many young children would be likely, at times, to generate significant noise. In the absence of any information to clearly demonstrate how noise might be controlled, and when having regard to the relatively confined external parts of the rear of the property, I consider that the concentration of a significant number of young children in the relatively restricted outdoor space available, would have the potential to cause serious disturbance to the living conditions of adjoining and nearby residents including future occupiers of the proposed development.
8. I therefore find that the proposal would result in harm to the living conditions of neighbouring residents at No 278 with particular regard to outlook and natural light and to neighbouring and future residents more generally in terms of noise disturbance. Accordingly there would be conflict with Policy DMP1 of the London Borough of Brent Development Management Policies 2016 (DMP) and the Council's Supplementary Planning Guidance 17 - Design Guide for New Development 2001 (SPG) insofar as they seek to protect the living conditions of residents.

9. The Council has raised concern that insufficient evidence has been provided of adequate floor to ceiling height within the proposed loft flat (Flat 6). Policy 3.5 of the London Plan 2016 (LP) refers to the nationally described space standard setting a minimum ceiling height requirement of 2.3 metres for at least 75% of the gross internal area of the dwelling<sup>1</sup>. From the information before me, which does not include sections through the building, it is not evident that this minimum standard would be achieved. I am mindful that securing a good standard of amenity for all existing and future occupants of land and buildings is a core principle of national planning policy set out in the National Planning Policy Framework (the Framework). Accordingly I am not persuaded, from the information before me, that the proposal would secure acceptable living conditions for future occupiers of the loft flat with particular regard to internal space. There would therefore be conflict with Policy 3.5 of the LP; Policies DMP1 and DMP18 of the DMP and the SPG insofar as they seek to secure acceptable living conditions.

#### *Character and Appearance*

10. The appeal site is within a predominantly residential location on Willesden Lane, characterised by large detached dwellings and apartment buildings. The existing building, though in a very dilapidated condition, is one of a linear group that are very similar to one another in scale and appearance. These buildings are essentially two storeys in height with additional accommodation in the roof space and have front elevations that incorporate chamfered bay windows with gables above.
11. The rear elevation of the existing building on the site and that of its neighbour at No 278 are particularly prominent in relation to Lydford Road. These buildings incorporate tall and narrow projecting gable features to the rear which help to break up the mass of the buildings. These structures together with a tall corner tower feature to the front / side of No 278 give a sense of visual cohesion and vertical emphasis to the pair of properties.
12. The proposed development would, by contrast, incorporate an additional storey, and would therefore be taller to eaves height compared to the building it would replace and the adjacent properties. It would be contained beneath a hipped roof, which would serve to limit the overall height to a level comparable with that of neighbouring buildings. Nevertheless its more contemporary appearance and greater massing would appear at odds with the rear elevation of No 278 when viewed from Lydford Road. This would serve to damage the aforementioned visual cohesion.
13. In terms of the front elevation, the building would incorporate certain design references from the existing building, including a gable peak above the second floor window and bay windows, albeit that they would be squared as opposed to chamfered in form. The building would respect the existing stagger in the forward building line relative to the properties on either side. Furthermore when viewed from the front on Willesden Lane, the presence of significant intervening mature planting serves to visually break up the appearance of the site as being part of a continuous group of similarly designed buildings. Accordingly the front elevation of the proposal would not disrupt any strong sense of visual uniformity and rhythm when viewed from Willesden Lane. This

---

<sup>1</sup> Technical housing standards – nationally described space standard – DCLG March 2015.

however does not overcome the harm I have identified above regarding views of the rear elevation.

14. The appellant has drawn my attention to similar apartment developments elsewhere on Willesden Lane, recently granted planning permission by the Council. During my visit I walked along an extensive stretch of Willesden Lane noting the form of development and observing the site under construction at No 203. However any previous permissions on nearby sites do not justify the harm I have identified in this case, which I must decide on its own individual merits.
15. I therefore conclude that the proposal would result in harm to the character and appearance of the street scene along Lydford Road. Accordingly it would conflict with Policy DMP1 of the DMP and the SPG insofar as they seek to secure high quality design that complements the locality.

#### *Highway Safety*

16. I have explained above why I have not taken the appellant's transport assessment and travel plan into consideration. In any event, as set out above, this is not pivotal to the outcome of the appeal which I am dismissing for other reasons. From the remaining information before me, that would have been made available to the various parties, and from my visit it was apparent that significant car parking restrictions are in place in the vicinity of the site.
17. It seems to me that the nursery proposal would have the potential to generate significant parking demand associated with dropping off and collecting children. Given the limited car parking capacity within the site, I consider that the desire to gain convenient access to the nursery would give rise to a degree of short term parking on Willesden Lane. This is a busy road with continuous streams of traffic and a bus stop present outside the front of the site. Without taking into account the appellant's transport assessment and travel plan, I have no reason to disagree with the Council's assessment that there would be no safe on-street parking available on Willesden Lane. Accordingly I find conflict with Policy DMP12 of the DMP insofar as it seeks to avoid on-street parking that would be prejudicial to highway safety.

#### **Conclusion**

18. The proposal would result in additional units of accommodation, on previously used land, which would add to the choice and supply of housing, albeit that the contribution would be small. It would also lead to additional nursery and childcare provision. I give some weight to these considerations. However, I have found that the proposal would cause harm to the living conditions of residents, to the character and appearance of the area and to highway safety. 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.

19. I therefore conclude, having had regard to all other matters raised, that the appeal should not succeed.

*Roy Merrett*

INSPECTOR