



Appeal Decision

Hearing held on 7 February 2017

Site visit made on 7 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/T5150/W/16/3157330

1 Craven Park, Harlesdon, London NW10 8SX

- 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 Brent Housing Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/1530, dated 25 November 2015, was refused by notice dated 11 April 2016.
 - The development proposed is the erection of a six-storey building comprising 21 self-contained flats (9 x one-bed, 10 x two-bed and 2 x three-bed) with associated cycle stores, communal and private amenity space and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy and consistency, it was agreed at the hearing that the development address should be taken as that set out on the signed and completed section 106 planning agreement. It was also agreed that the development description set out on the Council's decision notice, having been revised during the course of the planning application, referred to an incorrect mix of flat sizes. Both parties agreed at the hearing that the agreed Statement of Common Ground (SoCG) set out the correct description of development and which, together with the revised development address, I have adopted above.
3. Amended plans¹ were also submitted during the course of the appeal and in advance of the hearing. It was confirmed that it was common ground between the main parties that the content of the amended plans satisfactorily addressed matters relating to service provision, lay-by depth and outward opening doors. I have considered the content of those amended plans, and particularly whether the interests of any party would be compromised should the appeal proceed on that basis. I am satisfied, having seen those plans and discussed the matter further at the hearing, that no party would be compromised by the content of the amended plans. I have therefore considered the appeal on that basis.
4. A completed, signed and dated planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) was submitted during the hearing (S106). It was confirmed at the hearing that the content of the S106, which set out on-site provision of affordable housing, a sustainable

¹ Drwg Ref: 1389-04C and 1389-04D

energy strategy and car-free development, was agreed by both parties. I return to these matters below.

5. Policies from the Brent Unitary Development Plan 2004 (UDP) referred to by the Council in its decision notice have been superseded by policies from the London Borough of Brent Local Plan: Development Management Policies (DMP) which was adopted after the planning application was refused. It is common ground between the parties that DMP policies DMP1, DMP12 and DMP15 are relevant to the consideration of this appeal I have therefore dealt with the appeal on that basis.

Main Issues

6. Having regard to the above I consider the main issues to be the effect of:
 - The proposed development upon the character and appearance of the surrounding area; and
 - Local air quality on the living conditions of future occupants of the proposed development.

Reasons

Character and Appearance

7. The appeal site lies at the convergence of Craven Park and Craven Park Road. I am advised that previously a large Victorian villa stood within grounds in the site. This has however since been demolished and, with the exception of trees along the south western side of the site, the site has now been largely cleared. The site is, to all intents and purposes, an "island" site and one that is broadly triangular in shape, albeit that the one-way road network surrounding it essentially renders it as an over-sized and irregularly shaped roundabout. Beyond the site, to the northwest, lies the larger triangular residential block formed by Craven Park and Craven Park Road.
8. The area surrounding the site, particularly to the north, east and west is predominantly residential in character. To the southeast, further along Craven Park Road there is a strong commercial presence leading in to Willesden High Street. Buildings are typically three and four storeys in height, with the occasional taller building extending to five storeys, such as at the corner of St Mary's Road and Craven Park Road.
9. However, compared to the tighter grain and greater scale of the commercial properties further southeast along Craven Park Road and High Street, the area surrounding the appeal site has a more open feel to it. Buildings are set back from the pavement edge behind service roads, wider pavements and forecourts on the southwest side of Craven Park and Craven Park Road, the latter also being the case on the north-eastern side of Craven Park adjacent to the appeal site. Here, the buildings reduce in scale as the overall width of the street opens out towards both sides of Craven Park.
10. The proposed building would provide residential accommodation over six storeys, whilst the design of its roof would add significant additional height and bulk to the building, particularly on its northern side. This would be especially significant when viewed from the northwest and west of the appeal site along the long vistas of Craven Park. As a consequence of the alignment of the roads

that converge at and around the appeal site, the proposed residential block would have a prominent and dominant presence in views along Craven Park from the northwest and north, and from Craven Park Road from the southeast.

11. The scale of the building, exaggerated and emphasised by its roof design, would create an abrupt and jarring transition from the more modest scale of the buildings around it. That it would sit alone within the island site would further add to its incongruous presence, setting it at odds with the scale, grain and massing of the surrounding area.
12. The appellant referred to the proposal as being an example of a 'way-marker' or 'landmark building'. In so doing so, comparisons were drawn to corner buildings such as the one referred to above at the junction of St Mary's Road and Craven Park Road, but also to buildings to the north of Craven Park at its junctions with Church Road and with Brentfield Road / Knatchbull Road as justification for such an approach. I also heard that the 'island' nature of the site provided a greater opportunity to develop a 'way-marker' building as it was not directly constrained by directly adjoining properties.
13. I do not doubt that such a design approach to buildings can be an effective tool in creating a sense of place, marking key visual points or making or framing vistas. However, in this instance the proposed development would be of a scale, massing and appearance significantly greater than that which surrounds it. As an isolated site effectively located in the middle of a traffic island, it would lack a gradual transition in scale between it and adjacent buildings. Although the northeast and southwest elevations of the building would be set in from the rear of the pavement these elevations, as well as the northwest facing elevation, would create an abrupt and jarring transition from a human scale at pavement level to that of the building.
14. These factors would add to the already incongruous relationship between the proposed building and the buildings around it on Craven Park, and would emphasise its significant and harmful presence within the Craven Park streetscene. I saw no visual or design links between the proposal before me and the scale, appearance or character of the buildings around it. Moreover, within an island site such as the appeal site it would appear as an isolated, incongruous and dominating feature out of scale and character with the surrounding area, unable to draw on the more gradual transitions in scale evident on the cited examples.
15. Thus, for the reasons set out, I conclude that the proposal would be of a scale, bulk and massing that would fail to complement the locality in those terms, contrary to DMP policy DMP1 and LP policy 7.6. The proposal would also fail to secure the highest architectural quality required by LP policy 7.6 and as one of the Framework's core planning principles.

Living Conditions – Air Quality

16. The appeal site, as with much of the surrounding area and indeed large portions of the Borough, lies within an Air Quality Management Area (AQMA). In particular, it was common ground that the site experiences high levels of exposure to nitrogen dioxide (NO₂) due largely to its location in the middle of a busy traffic 'island'. It is also common ground that the site is exposed to exceedances of the annual mean Air Quality Objective for NO₂ to a height of

approximately 7.5 metres, broadly translating to the equivalent of the ground, first and second floor levels of the proposed building.

17. The proposal seeks to respond to this in two ways. Firstly, the building would incorporate an air management and handling system that would draw cleaner air from roof level and circulate it around the building as part of its heating / cooling air handling function. It was also explained that, as part of this process of air circulation, the 'dirty' air would be drawn from the interior of the building and exit at roof level. Secondly, whilst the residential units would have access to opening windows and access to outside space on balconies, the latter would be in the form of 'winter gardens'; essentially enclosed balconies beyond the internal living areas, with sliding windows opening to the outside.
18. The Council raised concern that relying on the former without the latter would create a sealed and claustrophobic living environment without direct access to the outside whilst the introduction of the latter to the former would compromise the ability of the air handling system to maintain satisfactory internal air quality. Taken individually, I agree that neither one of these approaches would satisfactorily mitigate or resolve the concerns around elevated air pollution levels around the appeal site or strike an appropriate balance between achieving satisfactory air quality and providing satisfactory living conditions.
19. At the hearing the appellant suggested that a suitably detailed scheme of ventilation and air handling could be developed to mitigate and address the effects of opening the doors and windows of the most directly affected residential units. From what was said at the hearing it seems to me that such site specific measures, which could include particular attention to recirculation and air change rates, boosted to respond to the living conditions and requirements of specific room, and how the system responds to opening particular windows, could be designed into the air circulation and handling system.
20. However, I share the Council's concern that a two-pronged approach of this nature would, ultimately, be compromised and would fail to strike an appropriate balance between access to sources of 'clean' fresh air and ensuring a healthy supply of clean air within the building. Just as a fully sealed building without the ability to open doors or windows to draw in fresh, or at least outside, air would not provide a particularly pleasant living environment, so too would a scheme where the opening of windows comes with an advisory to the occupier of the potential harm of the elevated NO₂ levels outside the building.
21. I appreciate that this would be a case of 'buyer-beware' and that residents would be able to make informed decisions as to the implications of opening doors and windows. However, although there would be an element of informed choice in such circumstances, I am not persuaded that either alternative would be conducive to creating quality living conditions within the proposed residential units. Nor have I been presented with any persuasive evidence or scheme detail that such an approach would deliver the necessary results to the extent that residents would be able to open their windows comfortable in the knowledge that the air handling system would effectively and efficiently respond to maintain appropriate internal air quality levels.
22. I am content that a condition or conditions would provide sufficient control over the operation, management, maintenance, repair, replacement and response to

system failures of an air handling system. I am also reassured that the plant area within the building would provide sufficient scope for redundancy and spare capacity to be built in. However, for the reasons I have set out, it has not been demonstrated that the proposal would provide or maintain an appropriate balance between internal air quality and satisfactory living conditions. As such, I find the proposal to be in conflict with the provisions and objectives of London Plan (LP) policy 7.14 and the Framework².

Section 106 Planning Obligation

23. Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations) require that planning obligations should be only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
24. A signed, dated and completed S106 was submitted at the hearing. The S106 confirms the number and size of dwelling units to be provided as affordable housing units within the development. I am satisfied that the provision of affordable housing in this manner would meet the tests set out in paragraph 204 of the Framework and Regulation 122 of the CIL Regulations and, in reasonably taking this matter into account, provides some weight in support of the proposal. However, whilst the provision of affordable housing units would therefore weigh in favour of the proposal this would not, in my judgement, overcome the harm to the character and appearance of the surrounding area that I have identified would arise as a consequence of the proposed development.
25. With regard to the provisions of the S106 in respect of a Sustainable Energy Strategy and Car-Free Housing, whilst it is noted that the Council confirmed that this would resolve their concerns in these respects and they are no longer contested matters, as I am dismissing the appeal for other reasons I have not considered these matters further. Whilst I have also considered the concerns of third parties in relation to highway safety, access to parking and measures to prevent overspill of parking demand into nearby streets, given my findings on the main issues above, these have not led me to a different overall conclusion.

Other Matters

26. The Council expressed concern that the proposal would potentially cause harm to the living conditions of occupiers of properties lying to the north-east of the appeal site on the opposite side of Craven Park, with particular reference to sunlight and daylight. It was agreed that there are a mix of uses present within the block of properties opposite the appeal site. Although the degree to which the proposed building would cause overshadowing of those properties had not been quantified by either party, I am satisfied that its scale and height would contribute to overshadowing, at certain times of the day and year, of properties adjacent to the site, and particularly those within the block of Nos 96 to 110.

² Paragraph 120

27. As noted above however, the appeal site and the area surrounding it marks the opening out of Craven Park as it heads in northerly and north-westerly directions away from the commercial focus of Craven Park Road. The general nature of the outlook from properties surrounding the appeal site is one of openness and a relative sense of space. Whilst there would undoubtedly be some overshadowing of these properties as a result of the proposed development, in the absence of quantifiable measures thereof, I do not consider this matter to be determinative. It does, however, add weight to my conclusions in respect of the first main issue.

Conclusion

28. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Ian Coward MRTPI	Director, Collins & Coward
Mr Thomas Dine RIBA	Principal Architect, Chassay Studio
Mr Conal Kearney MSc MIAQM MIEEnvSc	REC
Mr David Fallon	Brent Housing Limited

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gary Murphy	Principal Planning Officer, Brent Council
Juhaina Junaid	Environmental Monitoring Officer, Brent Council

INTERESTED PERSONS:

Shirley Goodchild	Local resident
Ronald Chambers	Local resident
Rui Switha	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING

DOC1	Completed, signed and dated planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended)
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DOCUMENTS SUBMITTED AFTER THE HEARING

DOC2	Revised and updated suggested conditions – agreed by both main parties	Submitted by e-mail dated 13/02/17
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