



Appeal Decision

Site visit made on 11 July 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/T5150/W/17/3172743

Land to the rear of 48 Haycroft Gardens, London NW10 3BN

- 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 Magid against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3145, dated 19 July 2016, was refused by notice dated 30 September 2016.
 - The development proposed is demolition of existing garage to the front and greenhouse to the rear and erection of a single storey 3 bedroom dwelling with a mezzanine floor and a detached single storey outbuilding to be used as an artist studio with associated timber entrance gate, car and cycle parking, bin stores and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area and,
 - the living conditions of the occupiers of No 48 Haycroft Gardens and Nos 19-25 Dairy Close with particular regard to outlook, light and visual impact.

Reasons

Character and Appearance

3. The appeal site is an area of backland to the rear of an end terrace property at the end of a long cul de sac of similar residential properties. It is accessed from the side of No 48 Haycroft Gardens via a narrow strip of land and then rises up and broadens out into wider area. To one side lie the rear gardens of Dairy Close and to the other side the rear gardens of houses on Holland Road and Haycroft Gardens. To the rear there is a boundary with a school. The site is considerably overgrown and contains a number of trees and an old greenhouse.
4. The houses on the appeal site side of Haycroft Gardens and to some extent Holland Road, have relatively long rear gardens with established foliage, and a generally open character.

5. The proposal is to demolish the attached garage to No 48 Haycroft Gardens to provide access, and to erect a small outbuilding for an artist studio on the long and narrow access way, and a detached house on the main part of the site. The house would be designed as an 'L' shaped property, facing away from Dairy Close and No 48 Haycroft Gardens. The form of the proposed house would enclose a rectangular shaped garden which the property would overlook.
6. Although there are some outbuildings in gardens in proximity to the appeal site, they are relatively small compared to the footprint and bulk of the house proposed. The proposed house would not be easily visible from the street as it would sit largely behind No 48 Haycroft Gardens and the houses at the end of Holland Road. Whilst Haycroft Gardens is reasonably uniform in character from its junction with Furness Road comprising of blocks of two storey terraced properties, at its very end the character is different.
7. At the turning head, there is a 3 storey block of flats, Haycroft Mansions. The houses on Dairy Close which back onto the site are modern and incorporate some 3 storey elements, whilst the school has been extended and a new block sits immediately behind the appeal site and is very visible from it. Given this variation in designs, form, styles and uses within the vicinity of the appeal site close to the head of Haycroft Gardens, a modern house of different design to the houses on Haycroft Gardens and Holland Road would not be out of keeping with general nature of the buildings in the area. Indeed planning permission has been granted in the past on the site for a bungalow, so the principle of a dwelling in a different style and form to those around has been accepted.
8. However the proposed house would appear bulky in relation to its plot size given not only its footprint but the rise of the roof to the mezzanine element to around 5m in height. Whilst much of the proposed dwelling would sit relatively low in the landscape, the part which houses the mezzanine element would be prominent in views of the site from the rear of the nearby properties on Haycroft Gardens and Dairy Close. This would be especially the case in winter when the leaf coverage on the surrounding trees is less. Whilst not visible from the street I consider that the prominent nature of the roof element would draw undue attention to the building from surrounding houses and gardens and would harm the character and appearance of the area.
9. The proposed artist's studio is smaller in scale than the proposed house and would sit immediately behind the entrance gate leaving only a narrow passageway to access the house behind. The sloping roof element would be visible above the proposed timber gates when they would be closed and would be more prominent when those gates were open. It would appear rather incongruous in the streetscene and have the effect of blocking off views to the entrance to the proposed house. I therefore consider that this part of the proposal would be harmful to the character and appearance of the streetscene.

Living Conditions

10. The main part of the appeal site lies on slightly higher ground than the properties on Dairy Close and Haycroft Gardens and this adds to the impact of the proposed house on those neighbouring properties.
11. The roof of the proposed house slopes upward to its highest point. From the boundary with the rear gardens of Dairy Close, this slope is gentle, and for much of the extent of the proposed house along this boundary, it is single

storey. The highest part of the roof is well towards the far side of the site from Dairy Close, and is only a short section of this elevation. As a result, given also the existence of established vegetation along the boundary, the proposed house would not be over dominant or detrimental to the outlook for the occupiers of those properties or to the enjoyment of the rear gardens of those properties. I also consider that due to those factors, there would not be an unduly harmful impact on daylight into the rear windows of the Dairy Close houses, nor to sunlight within their gardens.

12. With regard to the impact on No 48 Haycroft Gardens however, the elevation of the proposed house which faces it would appear overly dominant when viewed from the rear garden. That it would stand on higher ground accentuates this impact.
13. From my site visit, I could see that a wooden outbuilding has been built at the back of the rear garden of No 48 Haycroft Gardens and this extends its full width. Whilst this would to some extent mitigate the impact of the proposed house behind, it would still be very visible above it and in any case the outbuilding is a non-permanent structure. I therefore consider that the proposed house would be overbearing and would have a detrimental impact on the enjoyment of the users of the rear garden of No 48 Haycroft Gardens.
14. In itself the proposed artist's studio would not have a detrimental effect on outlook from the garden as its height on the boundary would be a similar height to the existing fence and the roof slopes away. However, it would tend to reduce the feeling of openness which currently exists and coupled with the impact of the proposed house behind would tend to add to a cumulative sense of enclosure.
15. Given the relatively long rear garden the proposed development would not be unduly harmful to the living conditions of the occupiers of either the ground floor or upper floor flat at No 48 Haycroft Gardens by virtue of outlook from the rear windows.
16. I do however consider that there may be some loss of sunlight into the rear garden of No 48 Haycroft Gardens given that the proposed house rises to around 5m in height and it lies close to the boundary and in a generally south western direction. In reaching this view I have taken into account the length of the garden, that the roof of the proposed house slopes away from the boundary and that the rear part of the garden is occupied by an outbuilding. Nevertheless, the proposed house would have an unduly harmful effect on levels of sunlight in the garden.

Planning Balance

17. The proposed development would bring an overgrown backland area into beneficial use and would provide a new reasonably sized family house. However I conclude that, for the reasons set out above, as a whole the proposed development would be harmful to the character and appearance of the area, and would be harmful to the living conditions of the occupiers of 48 Haycroft Gardens as a result of its effect on outlook and from sunlight into, its rear garden.
18. Since the issuing of the decision notice, the Council has adopted the Development Management Policies of the Local Plan 2016 which has replaced a

number of the policies referred to in the notice. I therefore consider that the proposal would be contrary to Policy DMP1 of the Council's Local Plan, Development Management Policies 2016 (the DMP) which sets out general requirements for new developments in Brent, Policies 3.5, 7.4 and 7.6 of the London Plan 2016 which aim to ensure that new housing is of appropriate quality and design, respects local character, and protects residential amenity, and Policy CP17 of the Brent Core Strategy which seeks to protect and enhance the suburban character of Brent.

19. The proposed development would also be contrary to the Council's Supplementary Planning Guidance 17, Design Guide for New Development 2001 in so far as the guidance it provides in terms of respecting local character and preventing loss of amenity and sunlight.

Other Matters

20. My attention has been drawn to concerns about potential noise and disturbance which might arise from activity in the proposed artist's studio. I have no evidence that there would be likely to be undue noise and disturbance from this use. Equally I understand the concerns raised about the potential future use of the proposed studio as a separate residential unit. The use of the proposed studio could be controlled through the imposition of a suitable condition should the appeal be allowed.
21. I have considered the appeal decision¹ referred to me by the appellant. That appeal was for 4 dwellings and dismissed although the Inspector did not consider it harmful to character and appearance. I also note that the pre-application advice provided by the Council did not advise against development in principle. In the current appeal I have found that the principle of the development of the site is acceptable but that the size, bulk and other elements of the scheme before me are harmful to the character and appearance of the area. I have in any event determined this appeal on the evidence submitted and on its individual merits.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR

¹ APP/T5150/W/15/3082065