
Appeal Decision

Site visit made on 9 October 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 31 October 2017

Appeal Ref: APP/T5150/W/17/3179829
66 Woodhill Crescent, Harrow HA3 0LZ

- 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 and Mrs Shah against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/1366, dated 27 March 2017, was refused by notice dated 6 June 2017.
 - The development proposed was originally described as '*proposed new dwelling to the R/O 66 Woodhill Crescent*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - The effect of the proposed development on the living conditions of nearby residents with particular regard to privacy and outlook; and
 - The effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

3. The parties have referred me to the previous appeal decision relating to the appeal site for a detached 2 storey dwelling¹. I note that that appeal decision predates the Brent Local Plan Development Management Policies 2016 (Local Plan) and the National Planning Policy Framework (the Framework). Additionally, although I do not have full details of the previous appeal scheme, I understand that it differs from that before me in terms of detailed design and layout. Whilst I have had regard to the previous appeal decision, I have determined this appeal on the balance of evidence before me.

Living conditions

4. The proposed two storey dwelling would be situated within part of the relatively long rear garden of 66 Woodhill Crescent, within a rectangular shaped plot fronting Southwell Road. Whilst the plot has a wide street frontage, it is relatively shallow. Consequently, the rear of the proposed dwelling would be situated close to the boundaries with the gardens of 70 Woodhill Crescent,

¹ APP/T5150/A/11/2150412 dated 15 August 2011

- stated by the appellant to be about 4 metres away, and the gardens of 105 and 107 Shaftesbury Avenue.
5. The proposed first floor rear bedroom window would overlook directly the rear garden of No 70. Whilst the rear garden of No 70 is already overlooked to a degree by neighbouring dwellings, the close proximity of the proposed bedroom window would give rise to a significant loss of privacy for users of the garden. I saw at my site visit that the rear garden of No 70 is substantially open with several curtilage buildings and I am not convinced that the bottommost portion of the garden would be used any less intensively than the rest of it. In any event, the proposed bedroom window would overlook a significant proportion of the garden of No 70.
 6. It has been suggested that the bottom part of the windows for the bedroom could be glazed with obscure glass. However, the resulting outlook from the single aspect bedroom would be poor, giving rise to inadequate living conditions for future occupiers and consequently would not constitute acceptable mitigation.
 7. I have had regard to the Council's comments that the proposed dwelling would sit within a 45 degree line when measured from the rear gardens of Nos. 105 and 107 Shaftesbury Avenue and conflict with the Council's Design Guide for New Development, Supplementary Planning Guide 17 (SPG). I saw at my site visit that no 105 has a double garage situated at the end of its garden, close to the boundary with the appeal site. I also noted that the rear gardens of Nos 105 and 107 are relatively long. Whilst the proposed dwelling sits on higher ground than Nos 105 and 107 and would be close to the gardens of its neighbours, having had regard to the guidance set out in the SPG and paragraph 59 of the Framework, I do not find the proposed relationship to be unacceptable or would give rise to unacceptable overbearing effects for the users of the gardens of Nos 105 and 107.
 8. The appeal proposal would give rise to unacceptable harm to the occupiers of 70 Woodhill Crescent in terms of privacy. The appeal proposal conflicts with Local Plan Policy DMP1 which includes amongst other things that development will be acceptable provided it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality. In addition, it conflicts with the Framework which in paragraph 17 includes amongst other things that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

9. The appeal site is situated to the rear of 66 Woodhill Crescent, a two storey detached dwelling situated at the junction of Woodhill Crescent and Southwell Road. I saw at my site visit that dwellings in the wider area are typically laid out within plots which are considerably deeper than wide, set back behind front gardens, with relatively long rear gardens. The long rear gardens of No 66 and No 105 and their garages form the streetscene on this side of Southwell Road, and provide that part of the street with a relatively open character.
10. The dwelling proposed in this case would be situated within a relatively wide and shallow plot which would have a frontage onto Southwell Road. Opposite are 1 and 3 Southwell Road, detached dwellings, sited to the rear of properties

on Woodhill Crescent and Shaftesbury Avenue. Whilst the development of Nos 1 and 3 will have altered the character and streetscene on Southwell Road, I note that the plots of these properties follow the pattern of the wider area in being appreciably deeper than wide.

11. The proposed dwelling in terms of its detailed appearance and scale would be in keeping with dwellings in the wider area and would introduce an active frontage on that part of the street. I have also had regard to the fact that the siting of the proposed dwelling has been amended from that previously dismissed at appeal. However, the proposed dwelling would be situated to one side of the shallow plot and although it may align broadly with the flanks of Nos 66 and 105, it would appear much nearer to the footway than other dwellings in the area and in particular those opposite. Consequently, the proposed dwelling would not be in keeping with the established pattern of development in the area and would erode the overall character of the area
12. The appeal proposal would harm the character and appearance of the area and conflict with Local Plan Policy DMP1. It would also conflict with Policy CP17 of the Brent Core Strategy which is concerned with protecting and enhancing the suburban character of Brent.

Other matters

13. I have had regard to the location of the appeal site within the built up area, the accessibility of its location and that it would provide an additional family home. I have also taken into consideration the comments that the proposal would make efficient use of land and would give rise to economic benefits in terms of employment during construction and through future occupiers supporting local shops and services. However, such benefits from a single dwelling would be limited.
14. During my site visit, I also visited the site to the rear of 34 Sedgecombe Avenue, referred to me by the appellant. Whilst I have limited details of that scheme before me, even if I concluded that the circumstances of that development were similar to that before me, it should not provide an example which should be inevitably be followed in this case given the harm found.
15. In addition I have had regard to the policies of the London Plan and the Framework cited by the appellant. However, given the conflict identified with the development plan and harm in respect of the effects upon living conditions of neighbours and to the character and appearance of the area, I do not find that the appeal scheme to be a form of sustainable development for which the Framework has a presumption.

Conclusion

16. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR