
Appeal Decision

Site visit made on 23 October 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 13 November 2017

Appeal Ref: APP/T5150/W/17/3179997

Land rear of 48 Holland Road, London NW10 5AU

- 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 Caspar Chittenden against the decision of the Council of the London Borough of Brent.
 - The application Ref: 17/0529, dated 5 February 2017, was refused by notice dated 19 May 2017.
 - The development proposed is demolition of the existing garages and shed and the erection of a two bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of neighbouring residents at 50 Holland Road, with particular regard as to whether the development would be overbearing.

Reasons

Character and appearance

3. The appeal site is a plot located to the south of 48 Holland Road and to the north of 46 Monson Road. The proposed site currently consists of 3 garages, a shed and a large section of the rear garden of 48 Holland Road. The surrounding locality is predominantly residential in character, with uniformity in terms of the design of dwellings on both Holland Road and Monson Road.
4. It is noted that the proposed scheme represents approximately 60% of the original footprint of the existing garages on the site. Given the relatively modest scale of the proposal, over development of the site would not occur.
5. It is acknowledged that the proposal would be unashamedly modern in appearance. The use of contemporary design features and materials are not uncommon with urban settings. Furthermore, contemporary architecture is not ruled out by the National Planning Policy Framework (the Framework) with paragraph 60 stating that both planning policy and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements

to conform to certain development forms or styles. However, paragraph 60 further states that it is, however, proper to seek to promote or reinforce local distinctiveness.

6. Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies 2016 (the LP), amongst others things, seeks to ensure that development complements the locality. The supporting text to Policy DMP1, further states that this does not necessarily mean that new development must be a slavish reproduction of existing styles or architecture. As such, the proposed design of the dwelling is found to be appropriate within the street scene.
7. The London Borough of Brent Design Guide for New Development: Supplementary Planning Guidance 17 2001 (the SPG) confirms that the front building lines of new development should generally respect the layout of the adjoining buildings and street.
8. Monson Road is generally characterised by low boundary treatments and modest front garden spaces. It is accepted that the existing garages on the site have a different building line to that of the adjoining terrace on Monson Road. From the submitted evidence, and from observations made on site, the proposal would follow the line of the garages, rather than that of the adjacent terrace.
9. The proposed positioning would enable the introduction of some soft landscaping at the front of the dwelling. Nonetheless, as a consequence of the set forward location, combined with the positioning of the 2-storey element, the dwelling would appear significantly more conspicuous and dominating than the existing garages. The proposal would therefore represent an overbearing feature within the street scene, to the detriment of the wider character and appearance of the surrounding area.
10. Alongside of the acknowledged design merits of the proposal, the dwelling would make use of a previously developed site and contribute to housing supply in a relatively accessible location. However, these benefits would not outweigh the harm identified in terms of the character and appearance of the surrounding area.
11. Accordingly, the proposal fails to comply with the design objectives of both Policy DMP1 of the LP and guidance contained within the SPG. The proposal would also run contrary to the Framework's core planning principle of seeking to secure high quality design.

Living conditions

12. Concern exists as to whether the proposal would result in an overbearing impact and associated sense of enclosure to the rear of the boundary of 50 Holland Road.
13. The proposed shaping of the 2-storey element of the scheme, which would slope backwards away from the street frontage, and also away from 48 Holland Road, would limit the degree of overshadowing in the rear garden of 50 Holland Road. This is further supported by evidence contained in the Daylight and Sunlight Assessment¹ undertaken on behalf of the appellants.

¹ Price & Myers Daylight and Sunlight Assessment January 2017 V4

14. Nevertheless, the proposal would be closely situated to the rear garden boundary of No 50. Due to this proximity, and the increase in scale from a single storey structure to a 2-storey dwelling, an imposing and overbearing impact would occur which would cause demonstrable harm to the living conditions of the occupiers of No 50. The proposal is therefore contrary to the protection of residential amenity objectives of Policy DMP1 of the LP and guidance within the SPG.

Conclusion

15. For the above reasons, and having regards to all matters raised, it is concluded that the appeal should be dismissed.

Helen Cassini

INSPECTOR