



Appeal Decision

Site visit made on 6 November 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 28th November 2017

Appeal Ref: APP/T5150/W/17/3181032
124 Purves Road, London NW10 5TB

- 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 Dave Shafier against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5034, dated 21 November 2016, was refused by notice dated 28 April 2017.
 - The development proposed is the erection of two-storey, 2 bedroom dwelling on the land to the rear of 124 Purves Road with associated amenity space, bicycle, refuse & recycling storage. Allocation of private amenity space and bicycle storage to existing ground floor flat of the host building. Provision of communal amenity space and refuse & recycling storage for the host building.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for future occupants, with particular regard to outlook and light.

Reasons

3. The appeal site comprises an area of open ground to the rear of an apartment block and is currently used as car parking for the occupants of the apartments. The ground level of the site is below that of the adjacent road, College Road, which rises from south to north. The dwelling would be located to the rear of the plot. The dwelling would be two-storeys, although only the ground floor would be readily visible as the basement would be subterranean.
4. The basement level would be served by a lightwell and the two bedrooms would have large windows overlooking the lightwell. Due to the limited depth of the lightwell, the boundary wall would be within close proximity of the bedroom windows. As a result, the outlook from the bedrooms would be very limited. This would be exacerbated by the height of the boundary wall, which, due to the below ground level of the bedrooms, would be two-storeys high and dominate the outlook from these rooms.
5. The ground floor living area would be dual aspect with one window overlooking the lightwell and the other overlooking the private amenity space. A large rooflight would also be located above the centre of the room and small rooflight above the staircase. As a result of the distance between the window to the

east, which would overlook the lightwell, and the boundary wall, the outlook from this window would be dominated by the wall. Similarly, the outlook from the window to the west would also be limited by reason of the proximity of the boundary wall with the garden of No 122 Purves Road. Whilst the rooflights would provide a change in outlook, this would only be of the sky above and would only be appreciable from limited points within the building. Overall, I find that the level of outlook from the property would be dominated by the boundary walls and would create an unacceptable sense of enclosure and represent an oppressively confined form of residential accommodation.

6. I have had regard to the proposed landscaping and whilst this would provide a pleasant view from the windows in the dwelling, I do not consider that it would adequately mitigate against the lack of outlook and the resultant sense of enclosure. I have also had regard to the use of 'oversized' windows. However, whilst these would provide a more open view from the windows, the outlook would still be dominated by the boundary walls.
7. I note the appellant's reference to the use of courtyards and lightwells in other developments throughout London in recent years. However, I have not been provided with any details of such schemes to enable me to draw any direct comparison with the proposal before me.
8. I have had regard to the Council's reference to the London Borough of Brent Design Guide for New Development Supplementary Planning Guidance (SPG17). Notwithstanding the appellant's argument regarding the weight to be attached to this document, the reference to a minimum distance of 5.0m between habitable room windows on a flank wall and a site boundary appears to be with regard to privacy. Therefore, I do not consider that it is relevant to the consideration of outlook and find no conflict with SPG17.
9. The Council also raise concern regarding the amount of light serving the dwelling. In response to this, an Internal Daylight Assessment, dated June 2017, undertaken by T16 Design accompanied the appeal submission. The conclusion of the assessment finds that all of the windows in the dwelling would be served by sufficient daylight and the private amenity space would receive sufficient sunlight in accordance with the BRE Report 'Site Layout Planning for Daylight and Sunlight: A guide to Good Practice' and BS 8206: Part 2 'Lighting for Buildings – Code of Practice for Daylight'. Based on the lack of any substantive evidence to the contrary and the observations I made during my site visit, I find no reason to dispute the findings of the assessment.
10. I find therefore that whilst the proposal would be served by adequate levels of daylight and sunlight, this would be a neutral effect and would not outweigh the significant harm the proposal would have on the living conditions of future occupants of the dwelling by way of insufficient outlook. As such, it would be contrary to DMP1 of the London Borough of Brent Development Management Policies 2016, which, amongst other things, seeks to ensure that development provides high levels of internal amenity. It would also be contrary to Policy 3.5 of the London Plan, which seeks to ensure that development takes account of the 'home as a place of retreat'.
11. The Council have also referred me to the London Plan 2016 Housing Supplementary Planning Guidance. However, they have not provided any justification as to why this guidance is relevant. Accordingly, I find no conflict with it.

Other Matters

12. I acknowledge the appellant's argument that the visual amenities of the site would be improved and would provide a more attractive and pleasant environment for neighbouring residents. However, there is no evidence before me that the current outlook from the neighbouring properties is so harmful that it would justify allowing the dwelling despite its inadequate living conditions.
13. I have had regard to the use of the site for fly tipping and that the proposal would prevent this. However, I do not consider that there is sufficient evidence to indicate that this would outweigh the harmful effect the lack of adequate living conditions would have on future occupants of the dwelling.
14. I note the concerns raised by local residents regarding an increase in traffic. The proposal would result in a loss of parking for the occupants of the adjacent apartments. However, from the observations I made during my site visit, there appears to be sufficient on-street parking to accommodate any displaced parking provision. There is no substantive evidence that the dwelling would have any severe effect on highway safety.
15. The area is a well-established residential area and I do not consider that the provision of a single dwelling would result in any material increase in noise, disturbance and odour to the detriment of neighbouring residential amenity.
16. I acknowledge that the dwelling is contemporary in its design. However, there is a mix of different house types and designs in the locality and as such I do not consider that the dwelling would result in any unacceptable harm to the character and appearance of the area.
17. I have also had regard to concerns raised regarding flooding, crime, vermin and the proximity of the dwelling to the railway track and an electrical substation. However, there is no substantive evidence before me to indicate that any significant harm would arise as a result of the dwelling with regard to these matters.

Conclusion

18. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR