



Appeal Decision

Site visit made on 21 November 2017

by David Cliff BA Hons MSc MRTPI

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

Decision date: 20th December 2017

Appeal Ref: APP/T5150/W/17/3181451

7 College Road, London NW10 5EL

- 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 Orly Weinberger against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/2166, dated 15 May 2017, was refused by notice dated 11 July 2017.
 - The development proposed is described in the application form as '1 additional 4 bedroom, 5 person dwelling on land to the side of 7 College Road, London NW10 5EL'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's decision letter includes a reason for refusal relating to car parking. However, it has subsequently been confirmed that the scheme is acceptable in this respect subject to a condition relating to car-free arrangements. I will return to this matter later in my decision.
3. In connection with the above, the appellant has submitted a revised drawing omitting the previously proposed front parking space. In this case, whilst third parties have not been formally consulted on this amendment, as it would be overcoming a previous objection by removing parking from the scheme, I do not consider that it would prejudice the interests of any interested party in this case.

Main issues

4. The main issues are:
 - i) The effect upon the living conditions of the occupiers of neighbouring properties, with particular regard to privacy and outlook.
 - ii) Whether the proposal would provide satisfactory outdoor amenity space for the occupiers of the proposed dwelling.

Reasons

Living conditions

5. The first and second floor windows of the proposed dwellinghouse would face towards the rear of properties in Hiley Road. The limited separation distance

between opposing windows would be substantially below that recommended in SPG17 (Design Guide for New Development). I consider that such a relationship would lead to unacceptable overlooking and loss of privacy for the occupiers of 2 Hiley Road. I note that there are similar relationships already between several existing properties in the vicinity. Nevertheless, the proposal would result in a significant increase in overlooking for No.2 as this property does not directly face another dwellinghouse.

6. The side elevation of the proposed dwellinghouse would be adjacent to the rear boundary of 55 Hazel Road. Comprising a gable end, this elevation would be a very assertive feature when viewed from both the rear windows and rear garden of this neighbouring property. Given the limited separation distance to the rear of 55 Hazel Road, I consider that the proposal would appear as being unacceptably overbearing in the outlook of the occupiers. It would also be contrary to the advice contained in SPG17.
7. I note the limited proximity between the existing properties at 49 Hazel Road and 2 Hiley Road. However, No.55 currently enjoys a reasonable outlook which would be significantly affected by the proposal. Notwithstanding the pattern and layout of existing adjacent development, I do not consider that a similar relationship between two nearby properties justifies the appeal proposal given the significant harm that would result to the living conditions of the neighbouring occupiers.
8. I acknowledge that the site is located within an urban area. I also note that the site comprises land where previous buildings were subject to war damage. Furthermore, it is evident that the layout of existing development on College Road and Hiley Road would breach the Council's current amenity standards if it was to be considered against them today. I have given this existing layout some weight. However, I consider that the extent of harm to living conditions in this case, which would be considerable, is the prevailing consideration and outweighs the arguments regarding existing character and the urban area.
9. I therefore find that the proposed development would result in significant harm to the living conditions of the neighbouring properties at 55 Hazel Road and 2 Hiley Road. That harm would be contrary to the amenity aims of policy DMP1 of Brent's Development Management Policies 2016 ('DMP'), policy CP17 of the Brent Core Strategy 2010 and the National Planning Policy Framework ('the Framework').

Outdoor amenity space

10. Policy DMP19 of the DMP normally expects 50 sqm of amenity space for family housing. As a reasonably sized four bedroom dwelling, I consider the proposed dwellinghouse to qualify as family housing. The proposal would result in the proposed property and the existing property (7 College Road), which currently has a satisfactory garden size, having less than the size sought by policy DMP19.
11. I note that other policies including CP17 encourage designers to be informed by context and that in this respect the proposed garden areas would be larger and more practicably shaped than others existing in the vicinity of the site, including the very small rear amenity areas serving properties on Hiley Road. I have also taken account of the guidance in SPG17 that in more intense urban areas the minimum target may be altered to a level that is consistent with the

existing area and character. The appeal site, however, is also located adjacent to properties in Hazel Road which have larger areas of outdoor amenity space.

12. The proposed garden areas would offer some, albeit fairly limited space for outdoor play and other domestic activities. However, both the proposed dwelling and the existing dwelling are 4 bedroomed properties and therefore are suitable for families. I consider greater weight should be applied to the need for a suitably sized garden where family sized dwellings are proposed. Whilst noting the overall policy context and associated guidance along with the generally smaller gardens in the vicinity, the size of resulting gardens in this case, below the target in policy DMP19 for family housing weighs to a moderate degree against the proposals. The moderate harm resulting would be contrary to the aims of Policy DMP19 which generally seeks 50 sqm of amenity space for family housing.

Other matters

13. As noted above, the Council's third reason for refusal relating to parking has been withdrawn. A condition has been suggested seeking a car-free scheme. As it would not affect my overall decision on whether to allow or refuse the appeal, it has not been necessary for me to consider such a condition against the relevant Framework tests and Planning Practice Guidance in this instance.
14. The proposal would make a small contribution to the supply of 4 bedroom homes. However, given the very modest contribution of only one dwelling, this carries only limited weight and would be outweighed by the overall harm I have found would result.

Conclusion

15. The proposed development would be contrary to the development plan when considered as a whole and material considerations do not indicate that it should be determined other than in accordance with the development plan.
16. For the above reasons and having considered all matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR