



Appeal Decision

Site visit made on 9 July 2019

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/T5150/W/19/3226191

5B Court Parade, East Lane, Wembley HA0 3HY

- 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 Prash Jaitley against the decision of the Council of the London Borough of Brent.
 - The application Ref: 18/4702 dated 10 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is 2 no. velux to roof over 5B Court Parade to allow light into the Study and Walkin Wardrobe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In refusing planning permission for the proposed development, the Council referred to the Sudbury Court Conservation Area Design Guide (2015) in its refusal notice. However, this was not provided with its appeal documentation. I have therefore requested a copy and provided the Appellant with the opportunity to submit further representations in respect of this Guide. No further comments were submitted in the timescale provided.
3. I have noted that on the planning application forms the name of the Applicant is given as Mr Prash Jaitley but on the appeal form as Mr Prashad Jaitley. I have used the name as it appears on the application form.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the existing property and of the Sudbury Court Conservation Area.

Reasons

5. The appeal property comprises a three storey terraced property; the terrace is on the north side of East Lane (A4088) and curves around the corner along the eastern side of Court Parade (A404). The properties are primarily retail and commercial on the ground floor and appear to have residential uses above. The terrace appears to have been designed as a symmetrical composition around the central building facing the junction in an attractive and distinctive 'Tudorbethan' style of architecture. The terrace lies within the designated

heritage asset of the Sudbury Court Conservation Area where this style of design and architecture is prevalent and the whole terrace, which is prominent in the street scene, contributes to the significance of the designated heritage asset. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.

6. The proposal would introduce two rooflights on the front roof slope to provide light to the accommodation in the roof space. The Sudbury Court Conservation Area Design Guide 2015 seeks to prevent the insertion of roof lights on front roof slopes within the Conservation Area. At my site visit I noted that there are no roof lights on the front roof slope of this terrace and that the uncluttered and unaltered roof slope is a key and integral part of the attractiveness of the composition of the terrace. The introduction of roof lights would appear an alien feature and would detract from the integrity of the terrace and its symmetrical design. In turn, the introduction of the roof lights and resultant harm to the character and appearance of the terrace would also harm the street scene and would detract from the contribution that this terrace makes to the character and appearance of the Conservation Area.
7. I therefore conclude that the proposal would harm the significance of this designated heritage asset; it would not therefore preserve the character and appearance of the Sudbury Court Conservation Area. This would conflict with Policies DMP1 and DMP7 of the Council's Development Management Policies 2016, the Sudbury Court Conservation Area Design Guide 2015 and the National Planning Policy Framework, and in particular Section 16, all of which seek to protect the significance and character and appearance of conservation areas.
8. The Appellant has drawn my attention to examples of other roof lights in the vicinity of the site. I noted at my site visit that many of the properties within the terrace had roof lights on the rear elevation, but this would not in my view provide any justification for including them on the front roof slope giving the prominence of the front of the terrace in the street scene. Of the other examples provided, some would appear to be close to the appeal property but outside of the Conservation Area, albeit some would appear to be within the Conservation Area or adjoining it, but it is not clear whether they all benefit from planning permission. However, the presence of a small number of roof lights in the surrounding area do not persuade me that more should be granted given the harm I have concluded.
9. Paragraph 134 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced although work on the proposal could lead to some small benefits to the local economy and would improve the standard of the residential accommodation in the roof space. Whilst the harm to the designated heritage assets of the Conservation Area would, in my view, be less than substantial, the public benefits would not be sufficient to outweigh that harm.

Other Considerations

10. I have had due regard to the Appellant's concern that the Council may not have exercised due regard to its need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. However, from all the information before me, there is no evidence before me to suggest that the Council has not considered this proposal solely on its planning merits, which is also the basis of my consideration.
11. The Appellant has also raised concerns that the Council did not engage in a pro-active manner at the application stage, but this would be an issue to be raised with the Council direct.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR