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## Appeal Decision

Site visit made on 15 July 2019

**by Adrian Caines BSc(Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 August 2019**

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**Appeal Ref: APP/T5150/W/19/3220561**

**Flat 5, 176 Walm Lane, London NW2 3AX**

- 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 Mrs Lisa Henderson against the decision of the Council of the London Borough of Brent.
  - The application Ref 18/4365, dated 14 November 2018, was refused by notice dated 24 December 2018.
  - The development proposed is described on the application form as "replacement of existing rooflights to front elevation of property with conservation area compatible velux-style rooflights (Part retrospective)".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application form states that the original applicant is Mrs Lisa Henderson, as shown in the banner heading above. I note that the appeal form lists the appellant as Mr Alexander Henderson. I am, however, satisfied that the appellant has the authority in order for the appeal to proceed.
3. The appellant requested a hearing on the appeal form, but having considered the representations from the parties and applied the criteria in Annexe K of the Procedural Guide to Planning Appeals, I deemed the written representations procedure to be appropriate for this case.

### Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Mapesbury Conservation Area (MCA), within which the appeal site lies.

### Reasons

5. No 176 is a substantial detached property standing on the south side of Walm Lane. It is subdivided into self-contained flats. From the information before me, the existing rooflights in the front elevation serving Flat 5, which are the subject of replacement in this appeal, are unauthorised and have also been subject to two previous appeal decisions.

6. In the first appeal<sup>1</sup> against Enforcement Notices served on the owners of some of the units, the Inspector upheld parts of the Enforcement Notices, including the requirement to remove the front rooflights. The second appeal<sup>2</sup> for a very similar proposal to the current appeal before me, involving replacement of the existing front rooflights with conservation style rooflights, was dismissed.
7. Nevertheless, I recognise that those previous appeal decisions predate the publication of the National Planning Policy Framework (the Framework) and the current development plan. Accordingly, I have reached my own conclusions on the current appeal proposal on the basis of the evidence before me.
8. The Mapesbury Conservation Area Design Guide (2018) states that the MCA is characterised and is significant because it remains largely unaltered. It describes the area as set in wide tree-lined streets with large semi-detached and detached houses that are of high architectural quality with intricate detailing. It highlights that the roof form within Mapesbury is very much unspoilt and states that rooflights are not permitted on the front roof slopes. On the basis of the information before me and my own observations on my site visit, I have no reasons to disagree. I consider that the significance of No 176 is derived from the positive contribution to the MCA made by its own fabric and detailing, as well as its contribution to the character and appearance of the wider area.
9. It is proposed to replace the front rooflights, which the Enforcement Notices required to be removed, with "conservation style" rooflights. The proposed rooflights would be visible in the street scene and from the properties opposite. They would add visual clutter to the roof in a manner that would be very damaging to the integrity of the front roof slope and the consistent and fairly unaltered character of the area, notwithstanding their design and low profile. In an open position they would be even more conspicuous by breaking the roof plane. Consequently, the proposed rooflights would be harmful to the character and appearance of the host building and the wider conservation area.
10. The appellant has drawn my attention to other existing rooflights in the MCA, particularly 130 Walm Lane. No 130 is in an entirely different part of Walm Lane where the character of the area, being on the edge of the commercial centre, is very different. Moreover, the rooflights are on the side roof slope. Therefore, even though they are seen more widely, they are not directly comparable to the appeal scheme and should not be seen as setting any precedent for front rooflights, which they are not.
11. Although there are examples of front rooflights along Walm Lane, including No 141 opposite the appeal property, I do not have any details of the circumstances that led to their existence. In any case, these rooflights are still in the minority. As such, they exercise only a limited influence on the character and appearance of the area surrounding the appeal site, and the wider MCA.
12. The appellant has also referred me to the west side of Walm Lane, which I observed contained various types of roof and other alterations. However, that side of the road is outside the MCA and therefore does not have the same character that is worthy of protection. To my mind, it emphasises the

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<sup>1</sup> APP/T5150C/03/1136394, 89 & 90 dated 27/09/2004

<sup>2</sup> APP/T5150/A/07/2038050

importance of the MCA designation and the need to protect its special unaltered character.

13. Overall, the proposal would cause significant harm to the character and appearance of the building and area. As a result, I conclude that the proposal would fail to preserve or enhance the character and appearance of the MCA. This is contrary to Policy CP17 of the London Borough of Brent Core Strategy (2010), and Policies DMP1 and DMP7 of the London Borough of Brent Local Plan Development Management Policies (2016). Collectively, these policies seek high quality design, protection of local distinctiveness, and developments which sustain and enhance the significance of the historic environment. There is also conflict with the MCADG 2018, which requires that all alterations to homes must maintain the consistent and fairly unaltered character of the MCA, and does not permit rooflights on the front roof slopes.
14. This harm to the MCA as a designated heritage asset would be 'less than substantial' in the terms of paragraph 196 of the Framework and is therefore required to be weighed against the public benefits of the scheme.
15. Whilst the proposed rooflights would not be as obtrusive as the existing rooflights, with the harm I have identified and fact that the existing rooflights are unauthorised, this would have limited weight as a benefit. I realise the potential implications on the use of two bedrooms in flat 5, value of the property and the costs of carrying out further works, but those are personal matters, not public benefits, and therefore do not outweigh the significant harm that I have identified above.

### **Other Matters**

16. During the course of the appeal the appellant raised concerns over the Council's appeal notifications, but based on the evidence before me, I am satisfied that the appropriate notification was carried out. Furthermore, that an interested party did not object to the planning application does not preclude them from making comments on the appeal.
17. I can sympathise if the appellant felt misled over any advice provided by the Council prior to submitting the application, but that is a matter between the appellant and the Council, and therefore, does not have a bearing on the choice of appeal procedure and the merits of the appeal.

### **Conclusion**

18. Consequently, for the reasons above, I conclude that the proposal would fail to accord with the relevant policies of the development plan and the Framework, and therefore the appeal should be dismissed.

*Adrian Caines*

INSPECTOR