



Appeal Decision

Site visit made on 6 August 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 20 August 2019

Appeal Ref: APP/T5150/W/19/3230065

11 Hassop Road, London NW2 6RX

- 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 Gopal Punjawani against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/3788, dated 28 September 2018, was refused by notice dated 12 December 2018.
 - The development proposed is the removal of existing unlawful flues and erection of new replacement flues.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the residential properties to the rear of the site on Cricklewood Broadway with particular regard to outlook, noise, contamination, air quality and other forms of pollution.

Reasons

Character and appearance

3. The appeal premises is located on the north-east side of Hassop Road which is dominated by vehicle related businesses. To the rear of the appeal site is a terrace of properties on Cricklewood Broadway which have commercial uses on the ground floor with residential use on the upper floors.
4. The ground floor of the appeal building contains a spray booth and the two flue stacks are located towards the rear of the booth. Externally, they would go vertically through the roof before turning towards the front of the appeal premises, with one of the flues extending almost the front of the building before turning vertically. This stack would be just under 1.7 metres higher than the roof of the building and would also be much higher than the roof parapet at the property frontage.
5. Policy CP 17 of the London Borough of Brent Core Strategy (2010) (CS) seeks to protect the area for inappropriate development whilst Policy DMP 1 of the London Borough of Brent Local Plan Development Management Policies (2016)

(DMP) sets out that development will be acceptable if it provides high levels of external amenity and complements the locality.

6. The flue stack which runs to the front of the building would be visible in the streetscene above the front parapet wall. To my mind, this would have some harm on the overall character of the area despite its industrial character and nature and would conflict with the objectives of the above Policies. In coming to that view, I acknowledge that the level of harm is not significant. Nevertheless, some harm would result.
7. My attention has also been drawn to other flue stacks in the area, including on Hassop Road. Whilst I observed other flue stacks in the area, these do not in my mind justify the development before me.
8. In respect of the second flue stack, this would not be visible from any public vantage points and would be significantly smaller in scale than the larger flue. In my opinion, this flue has a neutral impact on the character and appearance of the area.
9. For the above reasons the development would harm the character and appearance of the area as a result of the larger flue and would conflict with Policy CP 17 of the CS and Policy DMP 1 of the DMP which amongst other matters seek to ensure that Brent is protected from inappropriate development which would harm the character and appearance of the area.

Living Conditions

10. The flues are located within proximity to the residential units above the commercial premises on Cricklewood Broadway. The flats at 229 Cricklewood Broadway are directly to the rear of the flues and are therefore the properties which would be most affected by the development.
11. My attention has been drawn to a previous appeal decision¹ at the site which also considered flue stacks at the appeal property. However, from the evidence before me, whilst the flues were located at the same point in the roof of the spray booth, the stacks in the previous appeal scheme were in a vertical position from that point which contrasts with the current proposal.
12. I note that the previous Inspector considered that the flues would harm the outlook from the flats at No 229 and that there was insufficient substantive evidence to be sure that there would not be harmful levels of odour for neighbouring residents. In all other aspects of the living conditions issue, no harm was found which could not be addressed by the imposition of suitable planning conditions and I consider that the same could be said for the current proposal.
13. From the evidence before me, there is little information to demonstrate that the proposal would not have an adverse impact on the living conditions of the occupiers of the flats as a result on odour emissions. Whilst the technical specification sheet provided outlines that the emissions would comply with the Environmental Protection Act 1990 and the COSHH Regulations 2002, this does not in itself mean that there would not be an unacceptable impact to the occupiers of the adjoining residential properties. Furthermore, there is no evidence to suggest that the point of emission would allow for any fumes to

¹ Reference APP/T5150/C/17/3192491 dated 15 May 2018

dissipate in an appropriate way which may be particularly important in respect of the smaller flue and its extraction point.

14. Taking the above into account, I cannot be certain that the proposal would not result in harmful levels of odour for the occupiers of the nearby residential properties.
15. Turning to the outlook from the flats at No 229 in particular, the flue stacks would clearly be a feature when looking from the rear facing windows. However, they would also be seen in the context of the rear of industrial premises and they would not be significantly higher than the existing plane of the roof sections of the existing building. To that end, whilst I find that they would not be particularly attractive to look at, they would not be so obtrusive as to warrant the withholding of planning permission on this ground.
16. For the above reasons the proposal does not demonstrate that the proposal would not adversely affect the living conditions of the occupiers of nearby residential properties as a result of odour. The proposal would therefore conflict with Policy DMP 1 of the DMP which amongst other matters seeks to ensure that development does not unacceptably increase exposure to smells.

Conclusion

17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR