
Appeal Decision

Site visit made on 7 October 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 07 November 2019

Appeal Ref: APP/T5150/W/19/3232503
148 Harrowdene Road, Wembley HA0 2JF

- 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 Ms Jeniffer Sogamoso Chavarro against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1811, dated 20 May 2019, was refused by notice dated 28 June 2019.
 - The development as described on the application form is the conversion of building into single family dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of development and in Part E of the appeal form the appellant has indicated this was the case but added a third description. Although it is described as a conversion of a building into single family dwelling, I found the building has been constructed but the works for the removal of the front lightwell, further alterations including the front external area have not been carried out. I was unable to gain internal access but from the evidence and observations on my site visit the building is occupied and therefore I am considering this appeal part retrospectively.
3. I also observed on my site visit that the plans which have been provided do not fully represent what has been built on the site, including several rooflights and that the development encroaches onto land outside of the site edged red. I have taken the description of the development from the application form and will deal with the appeal on the basis of what I have set out above.
4. My attention has been drawn to the previous planning application which was approved in 2017, (17/0769). The development was not carried out in compliance with the planning permission including the discharge of pre commencement conditions. Therefore, I must deal with the appeal on its own merits and from the evidence I have before me.
5. I am aware of the enforcement appeal decision¹ at the site, although the enforcement notice was quashed the deemed planning application was not considered at that time as the structure was incomplete and would have a nil use.

¹ APP/T5150/C/18/3199473

Main Issues

6. The main issues in this appeal are (i) the effect of the development on the character and appearance of the area; (ii) if the development provides acceptable living conditions for future occupants, with regard to outlook, light, amenity space and noise; (iii) if the development provides adequate provision for parking, cycle storage and bin storage, having regard to highway safety; and (iv) whether the development provides for suitable flood reliance measures

Reasons

Character and Appearance

7. The appeal site is a two-storey detached building which incorporates a basement area and is located within a suburban area containing a mix of residential and commercial properties. Most properties along Harrowdene Road are semi-detached properties and incorporate similar characteristics including hipped roofs, whilst the properties to the north are commercial properties with residential above ground floor and of a three-storey appearance. Despite some variation in form, those dwellings on Harrowdene Road positively contribute to the character and appearance of the area.
8. The building is of rectangular form and has a hipped roof with the ridge set at right angles towards the road. The building is set at a lower level but further forward than the adjacent residential property at No.146. The front elevation projects at two storey and adds a subsidiary hipped roof which further contributes to the roof being excessively steep and the appearance of the building itself being poorly designed resulting in it being squat and cramped within the plot. The design of the roof results in an elongated main ridge line which is particularly bulky when viewed from along the side elevation and results in a negative and prominent feature within the street scene to the detriment of the character and appearance of the area.
9. The basement is of an excessive size in comparison to the existing building and extends across the whole of the footprint of the building and into the rear courtyard. The appellant also intends to remove the front lightwell and add a small area of landscaping, which would address the Council's concern for soft landscaping to the frontage. In the Council's Basement Supplementary Planning Document 2017, (BSPD) advises that basement development should be subordinate in scale to the above ground portion of the building and not unduly intensify the use of a site. The design of the basement is of an excessive size, has limited landscaping and a number of rooms and in my view could be independently accessed from the external stairwell and would lead to an intensification of the use of both the building and a 3-bedroom dwelling. Therefore, I find it conflicts with the guidance within the BSPD, section 2.4.
10. I acknowledge there may be similarities to the previous application for a dwelling at the site including fenestration and that materials are of similar appearance to those in the vicinity. But the dwelling before me is significantly different in relation to its overall design, roof form and basement extension.
11. For the reasons given above I conclude that the development causes harm to the character and appearance of the area. It is contrary to Policy CP17 of the London Borough of Brent Core Strategy 2017 (CS) and Policy DMP1 of the London Borough of Brent Local Plan, Development Management Policies 2016

(LP). Which prevent inappropriate development within suburban areas which erode the character; Infilling of plots with out of scale buildings that do not respect the settings of existing dwellings will not be acceptable; Whilst the location, layout, scale, detailing and design should complement the locality. It also conflicts with the guidance contained in the Council's BSPD.

12. It is also contrary to paragraph 130 of the National Planning Policy Framework (the Framework) which advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living Conditions

13. Although the floor area would exceed minimum internal space standards the basement with the loss of the lightwell would result in those rooms to the front including a study and bathroom of the property having no access to natural light or ventilation. There are openings towards the rear of the basement which would lead onto the external amenity area. Policy DMP19 of the LP requires new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. Private amenity space is expected to be 50sqm for family housing. The development falls short of this requirement and the limited hardstanding area would not be suitable for family accommodation.
14. As the external amenity area is enclosed by fencing at ground floor level, which due to the height of the fencing restricts the amount of natural light being able to serve the basement area it significantly encloses the amenity area. Resulting in the basement being dingy, and rooms having a poor outlook. As such the development does not provide a good standard of living accommodation for its current occupancy any future occupiers utilising the basement rooms or external amenity areas.
15. The rear of the site adjoins the railway line and to the side commercial premises. The building would require sound insulation measures and mitigation of any vibration levels from the railway. The Council's environmental health officer has advised this would be the case to ensure that future occupants would be sufficient protected from harmful effects of noise. I have no evidence from the appellant to support that the building has been constructed in a manner to prevent harm from the noise and disturbances of the railway or the commercial buildings.
16. Furthermore, I am not satisfied from the evidence that it could be achieved to a safe level in the absence of a noise assessment being submitted. Even if I were to impose a condition at this point it would not be reasonable to do so as if suitable noise levels could not be achieved and mitigated it would be difficult to implement given the property is already constructed.
17. For the reasons given above, I conclude that the development does not provide acceptable living conditions for future occupants, with regard to outlook, light, amenity space and noise. It is contrary to Policies DMP1, DMP18 and DMP19 of the LP and Policy 7.5 of the London Plan 2016. Taken together these policies require development to have high levels of internal and external amenity, meet minimum space standards; whilst development will not be acceptable if there is an unacceptably increase of exposure from noise; proposals should avoid significant adverse noise impacts on health and quality of life and mitigate and

minimise the existing and potential adverse impacts of noise. It would also be contrary to the standards required for new housing within the London Plan, Housing Supplementary Planning Document 2016.

Highway Safety / Adequate provisions

18. I observed on my site visit parking in the area is at a premium and there are limited parking spaces other than permit parking within both Harrowdene Road and East Lane. The site also falls within the Wembley Stadium event day zone, which restricts parking further on event days.
19. The front of the building currently consists of a large hardstanding area and is not laid out as shown on the plans. There are bollards fronting the highway on the pavement and there is no dropped kerb or crossover that would enable vehicles to safely access the front of the property to park within this area. The Council have advised that parking should be provided based on 1.5 spaces for a 3-bedroom property. Whilst the plans indicate that 1 space would be provided and a strip of landscaping to the front to provide soft landscaping, given the current restrictions of the site frontage and the crossover/dropped kerb outside of the site area I am not satisfied this could be secured and a condition would not be reasonable or enforceable.
20. Therefore, it would fall short of the 1.5 spaces required. Given the extent of the number of rooms, particularly because of the large basement area and number of persons who could occupy the property and that parking is restricted and at a premium in the area I consider that the development fails to provide an adequate level of parking provision for any residential property and particularly a new dwelling. In this absence of suitable provision, it would lead to congestion within the area and have a significant impact on highway safety of other road users.
21. It appears that rear parking was secured under the previous permission for the commercial and residential properties on East Lane and is also shown on the plans before me with two spaces and bin storage. It is not entirely clear how the parking would be enforced by the Council or appellant as access to this is within third party ownership. Nonetheless, the Council maintain that bin storage and the inadequate side cycle storage should be provided at the front of the building as the location is not adequate or convenient for occupiers of the property. The limited size and position of rear parking spaces would result in awkward movements of vehicles trying to utilise this area. I have no reason to disagree with the Council's assessment of this.
22. I therefore conclude that the development fails to provide adequate provision for parking, cycle storage and bin storage and lack of parking provision would significantly impact on highway safety of other road users. It is contrary to Policies DMP1, DMP11 and DMP12 of the LP, which takes account of access for all, parking provisions, requires the access and amount of off-street parking proposed to be visually acceptable and where there is controlled parking it does not result in the creation of more off-street spaces and have negative impacts on existing parking and adverse impacts on the movement network.
23. It is also contrary to the guidance set out in the London Borough of Brent, Waste and Recycling Storage and Collection Guidance for Residential Properties 2013, which sets out the Council's standards and requirements for bin storage and collection.

Flooding

24. The appellant advises that an attenuation tank has been installed and removes all surface water and stores this whilst slowly being discharged to the Thames water surface water drain, no technical or further evidence is provided. Whilst this may be the case the development falls within flood zone 1 and the basement is classed as 'more vulnerable development'. In the Council's BSPD it advises that basements are low lying and therefore highly vulnerable to all forms of flooding, it advises that basement dwelling as an extension/access to upper floors above flood level may be acceptable but consider flood resilience.
25. Therefore, I have no evidence to disagree with the Council's findings on this and that inadequate information has been provided, as such the development being classed as a more vulnerable use fails to demonstrate that the development would be located safe from flood risk and that flood risk would not be increased elsewhere. As such it is contrary to the guidance set out in the Council's BSPD.
26. For the reasons given above, it is also contrary to Section 14, Planning and Flood risk within the Framework, paragraphs 155 and 163, which aim to ensure inappropriate development in areas at risk of flooding should be avoided; where necessary ensuring it is safe for its lifetime without increasing flood risk elsewhere; and where appropriate in flood zone 1, applications should be supported by a site-specific flood risk assessment.

Other Matters

27. The appellant has put to me a number of options. However, it is not the role of the Inspector to redetermine those applications and these would be future matters for consideration by the Council if the appellant wishes to pursue alternatives than the appeal scheme. I must only deal with the appeal proposal which is before me.
28. I note the Council's concern that the basement could be occupied as an independent dwelling, even if I were to consider that the dwelling was acceptable of which I have not. Planning permission would be required to use the basement as an independent dwelling. If such development occurred without the necessary planning permission the Council would be able to consider taking enforcement action at that point in time. However, I must deal with the development on its merits and the evidence provided.

Conclusion

29. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR