
Appeal Decision

Site visit made on 15 November 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/T5150/W/19/3236494

58A Bowrons Avenue, Wembley, HA0 4QP

- 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 Sue Ellen Stewart against the decision of the Council of the London Borough of Brent.
 - The application Ref: 19/2362, dated 3 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is new dwelling with home office building to rear garden area – revised application (18/4440).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the:
 - character and appearance of the surrounding area; and
 - the living conditions of occupiers of Nos 56-58 and No 60 Bowrons Avenue, with particular regard to light and outlook

Reasons

Character and appearance

3. The site is located within a primarily residential area and is currently occupied by a single storey garage with hardstanding to its frontage. Whilst there are a mix of designs and dwelling sizes in the surrounding area there is regularity in the street scene. This comes from the consistent height of buildings, set back from the frontages and some repetition of building styles. The dwellings are also generally large, semi-detached properties with small gaps between.
4. The appeal site, and its immediate environs, differs slightly due to the gap between the built development that is created by the substantial set back of the existing garage at the appeal site. In addition, Nos 56-58 Bowrons Avenue is a detached building, that appears to have been converted into two flats, with a garage to its side elevation and No 60 Bowrons Avenue also has a driveway to the side. The site therefore has a spacious and open character, providing relief from the built form and contributing positively to the character of the surrounding area.

5. The appeal scheme comprises a two-storey dwelling that would have noticeably lower eaves and ridge height than the adjacent dwellings and others in the vicinity. Furthermore, the dwelling would be considerably narrower than existing development and would incorporate a slight setback beyond the main established frontages on to Bowrons Avenue.
6. As such the development would fail to respond to the adjacent two-storey properties in terms of size, design and layout. It would visually be separate and stand out as an incongruous addition within the street scene, at odds with the established pattern of development.
7. The existing dwellings predominately have hipped roofs. Whilst some do have gable features these are not the dominant characteristic. This would not be the case with the appeal scheme which would have a gable end roof. In addition, there would be a cut-away section to the roof to provide a roof light. Considering the separation to No 60 this would likely be visible from the street and further add to the incongruity of the building's size and overall design in relation to its surroundings.
8. The proposal would therefore be contrary to Policy DMP1 of the London Borough of Brent Local Plan: Development Management Policies, 2016 (DMP) which seeks to ensure that development siting, layout, scale, detailing and design complements the locality. For the same reasons, the proposal would also fail to achieve the high-quality design requirements of the Council's Supplementary Planning Document, Brent Design Guide: SPD1, 2018 (SPD) or Section 12 of the National Planning Policy Framework (the Framework).
9. The appellant has referred to a previous Inspector's decision¹ relating to the erection of a dwelling with home office building to rear garden area on the appeal site.
10. From the previous decision it is clear that the Inspector considered a dwelling that utilised the roof space to provide first floor accommodation, and a development that would have been noticeably reduced in scale and massing compared with neighbouring properties. Although this would have been of a broadly similar nature of development as the appeal scheme, I note that the size of the dwelling subject to this appeal has been amended by the appellant in an attempt to overcome the previous Inspector's concerns in relation to proximity to Nos 56-58.
11. The front elevation has also been amended with detailing such as the double height bay window and rendering, referenced by the previous Inspector and which appear to have contributed to making the previous scheme acceptable to the Inspector, removed from the proposal. Therefore, the scheme he considered is different to, and likely to have had a materially different effect on the character and appearance of the area than the one now before me.
12. The current appeal scheme would see an apparent reduction in the width of the dwelling from the previous scheme, with the flank wall being moved further away from the side boundary with Nos 56-58 according to the appellant. The gap to the adjacent development proposed as part of the current appeal scheme would result in the building being visually isolated. This in turn would emphasise its narrow width and would exacerbate its incongruity within the

¹ APP/T5150/W/19/3221022

street scene to such an extent that, as detailed above, I consider it would result in unacceptable harm to the character and appearance of the surrounding area. The previous decision does not, therefore, lead me to a different conclusion.

Living conditions

13. There are habitable room windows at ground and first floor level to the side of Nos 56-58 that face on to the appeal site and are in very close proximity to the site boundary. Although the proposed dwelling incorporates an inset from the boundary there would still be limited separation to these existing windows, and the proposed dwelling would extend along the full depth of the existing building.
14. Consequently, the development would be a dominant and visually intrusive feature when viewed from these windows. Overall the appeal scheme would result in harm to the living conditions of the occupiers of Nos 56-58 from an unacceptable impact on daylight and sunlight and restriction to outlook.
15. There are windows to the side elevation of No 60 which also face the appeal site. These however appear to be either secondary or obscure glazed windows to non-habitable rooms. In addition, the existing driveway to the side of No 60 would provide for greater separation to the proposed dwelling and there would therefore be limited harm to living conditions.
16. At ground floor the proposed dwelling would project beyond the existing rear elevation of No 60. Whilst I note the Council consider there would be an infringement of the SPD 2:1 rule, the window to the rear of No 60 is large, consisting of a central door with windows either side. It is positioned almost centrally to the rear elevation and inset substantially from the side boundary. Considering this, the separation afforded by the existing driveway, existing boundary treatment and the limited height of the single storey rear projection, I do not consider this element of the proposal would result in substantial harm to living conditions from visual intrusion or loss of sunlight and daylight.
17. The Council raised no concerns in relation to privacy and overlooking of rear garden areas or the existing properties to the rear of the site. Having considered this and the views of interested parties I consider that on balance any effects on the privacy of occupiers of adjoining properties would not be unacceptably harmful. This though would have a neutral effect and does not weigh in favour of the appeal.
18. Whilst I have not found harm in relation to No 60, as detailed above, I have found that the proposed development would result in unacceptable harm to the living conditions of the occupants of Nos 56-58 from an unacceptable impact on daylight and sunlight, and restricted outlook. The proposal would therefore conflict with Policy DMP1 of the DMP which seeks to ensure that development provides high levels of internal and external amenity, as supported by the SPD.
19. With regards to the previous proposal at the appeal site, as detailed above, although the separation to the adjacent windows at Nos 56-58 has been increased and the rear projection reduced, I have still found the development to result in harm to living conditions. I note that the previous Inspector raised similar concerns, and this has not been resolved by the current scheme.

Conclusion

20. The appellant has stated that the proposal would meet a demand for smaller rented dwellings, in a Borough that cannot provide adequate housing supply. There is however no detailed information before me to substantiate these statements. Nonetheless, the provision of only one dwelling could only have a limited benefit in relation to meeting any supply or demand there may be. I note that the Framework would support the efficient use of land and the proposals would provide an additional dwelling. Whilst I have taken this into account, I do not consider these benefits would be sufficient to outweigh the harm I have identified.
21. I have considered the appeal scheme on its own merits and on the basis of the evidence before me. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR