



Appeal Decision

Site visit made on 21 January 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2020

Appeal Ref: APP/T5150/W/19/3238174

1 Hillway, London, NW9 7LS

- 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 Laurence Wrenn against the decision of the Council of London Borough of Brent.
 - The application Ref 19/2450, dated 9 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is new build family house on site of a garage and part of residential garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i) The effect of the proposed development upon the character and appearance of the area.
 - ii) Whether the proposal would provide acceptable living conditions for future residents of the proposed dwelling and existing and future residents of neighbouring dwellings having regard to the level and quality of outdoor amenity space.

Reasons for the Recommendation

4. No. 1 is a semi-detached bungalow located on the junction with Hillway and Kinloch Drive. The surrounding area is residential, and the character of the street is derived mostly from semi-detached bungalows with front gardens and driveways and reasonably proportioned rear amenity spaces. The properties are arranged around a perimeter block such that the rear gardens run back to back which gives the area a spacious feel.

5. The proposed new dwelling would be located on the rear garden, within the curtilage of No. 1 where there is an existing garage. The proposed frontage would be located on Kinloch Drive.
6. Due to the limited size of the rear garden, the proposal would be surrounded by significantly less open amenity space compared to other dwellings. Consequently, it would have a cramped appearance in contrast to the spacious feel of surrounding plots. The proposal would be spread across two levels and constructed two storeys in height with a hipped roof in order to create three-bedroom family unit. Even though the proposed building would be set down from the existing ground level, it would still have a maximum height which would be significantly taller in contrast with other bungalows in the area. The scale of the property would appear disproportionate to the size of the plot and would appear as a prominent and incongruous addition to the street, in contrast to the existing pattern of development.
7. The appellant contends that the proposal would introduce an active frontage to the street which is bound by fencing at this point. Whilst there may be some benefit in that regard I am not satisfied that it would overcome the harm caused by the cramped nature of the development which would result in an unacceptably tight relationship with adjacent properties and an uncharacteristically cramped layout that would cause harm to the area's character and appearance.
8. Accordingly, there would be conflict with the aims and objectives of the National Planning Policy Framework and policies CP17 of London Borough of Brent's Local Development framework Core Strategy 2010 (the 'CS') and DMP1 of London Borough of Brent's Local Plan Development Management Policies 2016 which amongst other things seek to ensure that the siting, layout, scale, type, density, materials, detailing and design of a new development relates positively with the character and appearance of the surrounding area.

Living conditions

9. The garden of the proposed dwelling would be of limited depth and hemmed in between boundary fencing and the rear elevation of the property, thereby creating an uninviting space. The size of the outdoor space would be noticeably smaller than those of neighbouring properties.
10. The appellant contends that the total amenity space that the proposal would provide (excluding parking and cycle store) would be 53 square metres, and it would be in excess of the 50 square metres required by SPG17 and DMP19. They have come by this calculation by including the front forecourt, as well as the L shaped narrow space formed between the boundary and the rear and south elevation of the proposed dwelling. The restricted width of this narrow strip is considered to render this space not practical for use as genuine amenity space. As such, it would not contribute to the total amenity space for the proposal, and the total would be less than required. Moreover, the front forecourt would not offer a private amenity space and would be hemmed in between boundary walls making it an uninviting and somewhat impractical outdoor space.
11. Consequently, having regard to the size and configuration of the external space the proposal would not provide adequate provision of amenity space commensurate with the scale of the family dwelling proposed. As a result

there would be harm to the living conditions of future residents of the proposed property.

12. Accordingly, there would be conflict with the aims and objectives of the National Planning Policy Framework and policies DMP1 and DMP19 of London Borough of Brent's Local Plan Development Management Policies 2016 which seek amongst other things to ensure that new dwellings have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs.

Other Matters

13. The proposal would add to the stock of housing in the area and that contribution to meeting the housing needs of the area would amount to a benefit, albeit that the weight I attach is limited, given the small scale of development proposed.

Conclusion and Recommendation

14. Whilst I recognise the limited benefit that would arise in terms of the supply of housing the proposal would cause harm to the character and appearance of the area and would fail to provide adequate living conditions for future residents on account of the size and configuration of the outdoor space. The proposal is contrary to the relevant policies of the development plan and the Framework in those respects and the harm arising would significantly and demonstrably outweigh the benefits. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR