



Appeal Decision

Site visit made on 5 February 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/T5150/D/20/3245245

32 Park Lane, Wembley, London, HA9 7RZ.

- 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 H Aibangbee against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3593, dated 8 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is the erection of a single storey outbuilding to be used as an Artist's studio with internal storage area.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have used the description of the proposal largely as set out in the application forms, rather than as described in the decision notice, but I note that the application is retrospective in that the building was present at the time of my site visit.

Main Issues

3. The main issues are the effect of the proposed outbuilding on the character and appearance of the host residential property and the surrounding area, and whether it would meet the local policy on outbuildings.

Reasons

Background

4. The appeal site comprises a semi-detached property which lies in a mainly residential area of similar properties. It is much extended and at the time of my visit was the subject of building work. The property has a large rear garden which slopes away from the house and which runs alongside a public footpath which runs through to a residential street, Kingsway, to the west. The appeal concerns an outbuilding which is sited in the rear garden and at the time of my visit the building was full of building materials and builder's equipment.

Effect on character and appearance

5. The rear garden of the property forms part of a wider area of hinterland with other rear private gardens. These are mainly open but at my visit I noticed

other outbuildings close-by but these tended to be small in scale. In contrast the flat roofed appeal building is of a substantial size and its bulk is accentuated by its position on sloping ground whereby the rear west facing wall is over 3m high. Consequently, the scale and bulk of the building does not reflect the generally open character of the area of gardens and is visually harmful to it. Moreover, the presence of the outbuilding is readily apparent to the public realm as it seen over the boundary fence from the adjoining public footpath. Therefore, in visual terms I find that the proposal does not meet the requirements of Core Strategy Policy CP17 to respect the setting of existing dwellings, or complement the locality as required by Local Plan policy DMP1.

6. The appellant's agent refers to other outbuildings in the locality as identified on an aerial photograph, but these appear to me to be more of a domestic nature and smaller in scale than the appeal building and do not set much of a precedent in favour of the appeal scheme.
7. In terms of the use of the outbuilding the Council refers to it being inspected by an officer and seen with beds in it implying use as residential accommodation. The appellant says that the beds were simply used by the builders on site to take a rest during daytime hours and have now been removed. At the time of my visit there was no evidence of residential occupation, only the storage of building materials and equipment. The appellant's agent says that the building is now intended to be used as an artist's studio however there is little information submitted on how such a use would be undertaken or the level of activity likely to be generated by it. Nor was it apparent at the visit that the outbuilding has been specifically designed with the needs of an artist in mind.
8. It is likely that the use of the outbuilding for residential accommodation could be addressed and controlled by the imposition of conditions to ensure a use incidental to the main dwelling. However, there is little evidence before me to demonstrate that a use as an artist's studio could be acceptable in this locality and to balance against the adverse effect of the building on the character and appearance of the area.

Local Policy

9. I have also had regard to the Council's SPD2 on Residential Extensions and Alterations adopted in January 2018. The outbuilding is of a height and location which does not accord with the details of the SPD. Further, although the floor area is within the general specification for such a building it is not sited within the 'final fifth' of the garden. The proposal therefore conflicts with the main thrust of this local advice.

Planning balance

10. On the main issues I have found that the outbuilding has a harmful adverse effect in that the size and bulk spoils the character and appearance of the area, and is contrary to the stated policies in the development plan that I have referred to. Although the Council's objections about the building having been used for sleeping accommodation may be addressed by conditions, I have concerns about what an artist's studio may involve in terms of activity and such use has not been shown to justify a building of inappropriate size and form. I have also found that the outbuilding proposed does not meet all of the local criteria set out in the Council's SPD.

11. These aspects amount to significant adverse effects but they have to be balanced with other considerations. However, those put forward in representations do not outweigh the harm and this indicates that planning permission should not be granted.

Conclusion

12. For the reasons set out above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR