



Appeal Decision

Site visit made on 17 February 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/T5150/W/19/3240911

35 Barn Rise, Wembley HA9 9NH

- 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 Johnathan Saunders of Zedstar Building Services Ltd against the decision of the London Borough of Brent Council.
 - The application Ref 19/1765, dated 15 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is the demolition of detached garage on site and erection of attached two storey dwellinghouse, widening of existing vehicular access, formation of 3 car parking spaces and associated landscaping works.
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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 Issue

3. The main issues are:
 - the effect of the development on the character and appearance of the Barn Hill Conservation Area (the 'Conservation Area');
 - the effect of the proposed development on the living conditions of the occupants of neighbouring properties at 35A and 37 Barn Rise, with particular regard to outlook; and
 - whether the proposal would provide satisfactory living conditions for the future occupiers of the proposed dwelling, with regard to internal floorspace.

Reasons for the Recommendation

Character and appearance

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect, national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (NPPF). At paragraph 192, it sets out
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matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.

5. The appeal site lies within the Barn Hill Conservation Area, which is a distinctive residential area that occupies a hillside location overlooking Wembley Stadium, Wembley town centre, and Harrow-on-the-Hill. Its special character is derived from this hillside location and the architectural quality of the largely mock-Tudor houses built in the inter-war period. In general, the houses are detached or semi-detached, with large rear gardens, and are set back from the road behind grass verges and front gardens. Barn Rise itself is a sloping and winding tree-lined street characterised by front hedges and, in the vicinity of the appeal site, pitched roof side garages and gaps between houses.
6. The appeal site accommodates a two-storey detached dwelling located on the western side of Barn Rise. Although it appears as a single dwelling, the property has been converted to two flats. The property has a tiled hipped roof, projecting two-storey bays to the front and rear, and a pitched roof single garage which is, unusually, attached to the neighbouring property at No.37 instead of the host dwelling. The property is set behind a mature boundary hedge and a reasonably large front garden. The appeal dwelling is typical of the street and characteristic of the Conservation Area and as such it makes a positive contribution.
7. The proposal would include the demolition of the garage and the creation of a new three-bedroom dwelling that would appear as a two-storey side and rear extension to the property. The extension would feature a hipped tiled roof and projecting two-storey bays. The main entrance would be on the side elevation, so the entire building would still have the appearance of being a single dwelling.
8. The Council refers to two sources of design guidance; the Residential Extensions and Alterations Supplementary Planning Document 2 (2018) (the SPD) and the Barn Hill Conservation Area Design Guide (2013) (the DG). There are some differences between the guidance contained in these documents. However paragraph 1.3 of the SPD makes it clear that the advice it contains is not intended for properties in Conservation Areas. I shall therefore rely on the advice in the DG, which has been prepared with the specific characteristics of the Conservation Area in mind.
9. The DG states that extensions should not dominate the existing building or street scene and should not fill the space between houses to create a terraced effect. Although the proposal attempts to replicate the character of the existing dwelling by incorporating protruding window bays to the front elevation and a double storey hipped roof aspect to the rear, its proposed width would exceed the advised 3.5 metre maximum contained in the DG and largely fill the space between the appeal dwelling and No.37. The appellant's appeal statements and accompanying Heritage Statement contend that the appeal dwelling, and the gap to No 37, is larger than average so can accommodate an extension wider than that set out in the guidance; and that a 1m separation gap, as proposed, is a common feature in the area. I find however that the size of the appeal dwelling is not unusually large for the area and, in fact, it reflects the neighbouring properties to the north and south. Moreover, the existing gap with No.37 is also not dissimilar from gaps between neighbouring properties in

the immediate vicinity and, although there are 1 metre gaps in the Conservation Area, the immediate setting for the site is characterised by gaps wider than that, often due to the presence of garages. Therefore, in this instance, the development would appear incongruous as it would reduce the visible gap and create a terracing effect.

10. My attention was drawn to a similar development at 62 Barn Hill. Having had regard to the plans and the Inspector's decision in this case, although the resultant property is comparable to the proposed development, it is evident there was a greater separation distance between No.62 and its neighbouring property. The Inspector specifically referred to the unusually large gap between Nos.62 and 64 which meant the site was capable of successfully accommodating a larger extension than could not be achieved in most other situations in the Conservation Area. Therefore, the impact of the development at 62 Barn Hill on the street scene and on the character of the Conservation Area is less harmful than that which would result from this appeal. As the relationship between No.62 and its neighbour differs from the relationship between the appeal property and No.37, this other case cannot lend support to the proposal and does not alter my view that the proposed extension would harm the prevailing character of the street scene.
11. In addition, the scale of the side extension, by virtue of its bulk and width, would not be subservient to the main dwelling. The proposed set-back from the front main wall and lower ridge height of the roof would not mitigate the excessive width of the development and its dominant effect in the street scene.
12. Although the Council expressed concern regarding the appearance of the rear extension with regards to the ridge height and the size of the proposed double storey bay window in relation to the original bay, I do not find that it would jar with the existing dwelling or appear unreasonably discordant. The use of mock-Tudor features and window bays would blend in well with the existing architectural characteristics of the property, however these positive attributes would not alleviate the excessive width of the proposal.
13. Turning to the proposed parking, I find this would considerably increase the amount of paving at the front of the appeal property which currently comprises hedges punctuated by a pedestrian access and a driveway. Although the appellant highlights that sufficient landscaping could be provided, the proposed arrangement which would appear as a large area of hardstanding covering almost all of the area in front of the new dwelling, would erode the verdant setting to the front of the house and would thus detract from this pleasant aspect of the street.
14. Given the above, the proposal would appear prominently in the street scene and detract from the established character of the area. It would thus not preserve the character or appearance of the Barn Hill Conservation Area and would conflict with policy DMP7 of Brent's Development Management Policies Document (the 'local plan') which seeks to ensure extensions are not overly dominating and contribute to the local distinctiveness and character of heritage assets. It would also conflict with the Barn Hill Conservation Area Design Guide, and guidance in the NPPF which together seek to ensure heritage assets are preserved and enhanced.
15. The harm to the character and appearance of the Conservation Area would be less than substantial. I acknowledge the proposal would create work for local

trades people and contribute towards the supply of housing. However, I only afford limited weight to these points as the public benefits deriving from the creation of a single dwelling would be minimal. They would not outweigh the proposal's harm to the character and appearance of the Conservation Area.

Living conditions of occupiers of neighbouring dwellings

16. The Council contends the proposal would not comply with the 1:2 rule as outlined in the SPD. As mentioned previously, the SPD is not intended for properties in Conservation Areas and I will therefore use the guidance contained within the DG. There is little information within this guidance with regards to double storey rear extensions and their impact on living conditions of occupiers of neighbouring dwellings. A diagram is provided on page 20 which refers to the 90-degree rule but this diagram implies the rule only applies to single storey extensions. Therefore, whilst the appellant highlights that the development would comply with the 90-degree rule when measured from the mid-point of the angled face of the bay window at No.37, in my view, the proximity and height of the proposal would have an overbearing impact on the outlook from the bay window. The reference to 62 Barn Hill is not directly comparable to this case as there is a wider gap with the neighbouring property at No. 64 which is also oriented away from No.62.
17. The proposed rear extension would also protrude past the first-floor rear elevation of the flat at No.35A. It would appear prominently when seen from the kitchen window of No.35A and would significantly alter the rear outlook. It would have a dominant effect and therefore harm the living conditions of the occupiers.
18. Therefore, I consider the development would harmfully affect the living conditions of neighbouring occupiers. As such, it would conflict with Policy DMP1 of the local plan and the NPPF which together aim to ensure a high standard of amenity for residents.

Internal layout

19. There is a dispute between the parties as to whether the proposal would meet the standards as set out in the Technical Housing Standards – Nationally Described Space Standards guidance document and the Mayor of London's Housing Supplementary Planning Guidance 2016. I find that even if the proposed living space would not meet the standards, it would be by a very minimal amount. In this instance, therefore, I find the floor area would be adequately sized. The development would provide satisfactory living conditions for the future occupiers of the appeal property and therefore it accords with the aims of Policy DMP18 of the local plan which seeks to ensure dwellings are appropriately sized and provide adequate internal living standards.

Recommendation

20. Overall, I conclude the proposal would fail to preserve and enhance the character and appearance of the Barn Hill Conservation Area and would harm the living conditions of the occupiers of 37 and 35A Barn Rise with regards to outlook. Although I find the development would provide acceptable living conditions for future occupiers with regards to adequate internal living standards, an absence of harm in this regard could not lend positive weight to the proposal.

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR