



Appeal Decision

Site visit made on 10 March 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/T5150/W/19/3243205

48 Chatsworth Road, London NW2 4BT

- 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 JPC Law, Dollyland Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0671, dated 20 February 2019 was refused by notice dated 01 October 2019.
 - The development proposed is 2 storey x 2 bedroom dwelling including one storey below ground.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development has been amended by the Council and described as 'Erection of a single storey dwelling with basement level, provision for car parking, cycle and refuse storage and associated landscaping', and I concur that this description accurately reflects the proposal.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - The effect on the living conditions of the future occupiers of the proposed dwelling, in particular regard to outlook, daylight and sunlight levels.

Reasons

Character and Appearance

4. The site forms part of the rear garden area of 48 Chatsworth Road, which has been subdivided, and is overgrown in nature. The garden area runs parallel with Coverdale Road and is part of a large imposing early 20th Century double fronted detached dwelling that turns the corner with Chatsworth Road and Coverdale Road.
5. The prevailing character of the area is suburban, consisting of substantial detached or semi-detached dwellings with long back gardens. Whilst there is

- some variation in house types, sizes and design characteristics of dwellings to both Chatsworth Road and Coverdale Road, with more modern flatted development further along Coverdale Road, there is nonetheless, a very identified and defined grain and pattern of development to the immediate area.
6. The existing garden area of the appeal site provides an identifiable gap before the houses on Coverdale Road begin. A dwelling in this location would be more closely related to the houses on Coverdale Road than to dwellings along Chatsworth Road. Immediately adjacent to the appeal site is a pair of semi-detached two-storey houses at 2 and 2a Coverdale Road. These traditional two-storey dwellings along this part of the road are positioned on a strong building line until the buildings begin to change to more modern developments.
 7. Even though the proposed dwelling would sit behind the boundary treatment, it would sit substantially forward of the defined building line along this part of Coverdale Road. This, together with its width, and the fact that its proposed roof would be visible above the boundary treatment, would draw attention to itself in an area of consistency of large dwellings. Moreover, the proposed dwelling would be confined to a very small plot. This is not reflective of the character or context of the area.
 8. Although the new dwelling would be designed to appear to reflect the style and proportions of a domestic outbuilding, regardless of whether or not the boundary treatment would screen the development, its use would be as an independent dwelling with its own domestic paraphernalia and general domestic activities.
 9. Therefore, due to the combination of all these factors, the proposal would not respond to local context or character and would instead appear as an incongruous feature that would be harmful to the character and appearance of the street-scene.
 10. Despite the fact that a separate building may have been erected on the land at one time, this has long been demolished. The site reads as the long rear garden to the host dwelling, which is characteristic of the area. I accept that there is evidence of other typical domestic garages and sheds within the locality, these buildings are subordinate and ancillary to the host dwelling, with no additional patio or grassed areas around them as proposed in this case, and are furthermore, not occupied as a separate dwelling.
 11. An approved proposal for a new dwelling within a garden plot of Chatsworth Road and Deerhurst Road has been brought to my attention as a comparison. The buildings on Deerhurst Road are characterised by a variety of different architectural styles. It is not entirely residential, and the pattern and grain of existing development is different to the appeal site, and therefore I discount the characteristics of that particular scheme as a reason to support this appeal. In any case, this appeal has been determined on its own planning merits.
 12. I therefore conclude that the development would erode the area's defined pattern of development and thus harmful to the character and appearance of the area. It would conflict with the London Borough of Brent Local Plan 2016 Development Management Policies DMP1 (LPDMP) for development to, amongst other matters, complement the locality. The proposal would also be contrary to the London Borough of Brent Local Development Framework Core Strategy 2010, Policy CP17 that seeks to protect suburban character from

development that would erode the character of suburban housing, in particular within garden spaces and corner plots. Furthermore, the proposal would not respect the principles set out within the Brent Design Guide SPD1 2018 for development in particular to respond to local and existing context and character, and to respect urban grain, amongst other principles.

Living Conditions

13. Given the positioning of windows, the ground floor habitable rooms would gain acceptable day light and sunlight and I raise no concerns in this regard. The outlook from principal windows would be towards the boundary enclosure, although this would be at an acceptable distance away, without compromising the living conditions of future occupiers. On this basis I am satisfied that the living conditions to the ground floor habitable rooms would be acceptable.
14. The basement bedrooms would contain full height windows that look out into a void area or external courtyards, although these external spaces would be at a subterranean level with high retaining walls surrounding them. There would be little in the way of sense of context to the surrounding area when standing in this courtyard given the high retaining walls. This effect would be amplified from the courtyard area of Bedroom 1 as a boundary fence of approximately 2.1m would sit above part of the retaining wall. The outlook from both courtyards and bedrooms would give rise to an oppressive sense of enclosure to future occupiers.
15. An assessment of daylight into basement bedrooms has been made under BS EN17037 although no precise details of how the '*minimum, medium and high target illuminances*' have been undertaken, how this has been measured or evaluated to reach the conclusion that the bedrooms would meet acceptable daylight levels. Without this information, I give this assessment very little weight.
16. The daylight and sunlight levels into courtyard spaces would also be restricted and this would be further reduced given their limited size. Daylight and sunlight levels into Bedroom 1 would be even more compromised as it is north facing, potentially resulting in a gloomy and dark environment for occupiers. A light well in this room would provide some benefit, but it would not overcome the reduced living conditions occupiers of this habitable space would endure.
17. There may be a history of other schemes where lightwells have been deemed acceptable by the Council, although I am assessing this proposal on its own individual merits, and given the combination of factors I have identified, without evidence on the contrary, I therefore conclude that the proposal would be harmful to the living conditions of future occupiers in terms of outlook, daylight and sunlight.
18. The proposal would conflict with Policy DMP1 of the LPDMP, which seeks, amongst other matters, to provide high levels of internal amenity. The proposal would also be in conflict with the Brent Design Guide SPD1 with particular reference to its principles to promote adequate amenity for new residents.

Other Matters

19. The development may be built to a high standard and meet internal spacing standards. Although it would have good access to public services, transport and schools, and be sustainable in many respects, these attributes do not justify

unacceptable development. I also note the reference to the contribution an additional dwelling would make towards housing supply. However, the benefits of an additional unit in this location would not outweigh the adverse impacts of the proposal.

20. I note the disagreements between the Council and the appellant as to whether or not the appeal site constitutes greenfield or brownfield development. However, I am dismissing the appeal on other grounds in any event. Any other disputes between the appellant and the Council in respect of the service provided, and reference to effective cooperation between the two parties, should be first addressed to the Council. This appeal has been determined on the planning merits of the case.
21. In respect of Policy DMP18 for dwelling sizes to be consistent with the London Plan standards, referenced in the Council's decision notice, there is nothing before me to demonstrate that the proposal does not meet these standards, therefore this policy is not relevant.

Conclusion

22. For the reasons set out above, I have found harm would arise as a result of the development to the character and appearance of the area. I have also found harm would arise to the living conditions of future occupiers with regards to outlook, daylight and sunlight levels to basement bedrooms. I therefore conclude that the appeal is dismissed.

Alison Scott

INSPECTOR