
Appeal Decision

Site visit made on 3 June 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/T5150/W/20/3245243

Flat 2, 39 Anson Road, London NW2 3UY

- 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 J Murphy against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2525, dated 11 July 2019, was refused by notice dated 5 December 2019.
 - The development is the erection of a glazed canopy.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal has been made retrospectively. I observed on site that what has been built appears to match the drawings submitted with the appeal, and I have determined the appeal on the basis of the drawings.

Main Issues

3. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the area and whether or not the proposal preserves or enhances the character or appearance of the Mapesbury Conservation Area; and
 - the living conditions of neighbouring occupiers, in particular the effect on the occupiers of 41A Anson Road with regard to outlook and sense of enclosure.

Reasons

Character and appearance

4. The site is a flat within a detached residential property and its associated garden. The canopy has been constructed to the rear, in-between a conservatory and the main rear elevation of the building, and set to the side of the rear wing of the building. The canopy is open to the sides and has created an undercover, but not enclosed, space for the existing flat. It is currently being used as an ancillary area to the internal kitchen.
5. The primary significance of this part of Mapesbury Conservation Area is drawn from the front elevations of the properties, where there is a clear uniformity of

high quality design. To the rear of the properties along this part of Anson Road there have been a number of extensions, including a ground floor rear extension and conservatory to the host property. However, the extensions and alterations have largely remained sympathetic to the overall scale and design detail of the original buildings, and the rear elevations of the appeal and neighbouring properties are fairly well preserved. Therefore, while not as integral to the significance of Mapesbury Conservation Area as the front, the rear elevations of the host and neighbouring properties do still contribute positively to the conservation area through their largely well-preserved appearance and character.

6. The lightweight canopy structure relates poorly to the traditional brick finish and design of the main building. It also relates poorly to the conservatory, as it is higher than the conservatory roof and the form, without walls, appears incomplete. It has created a cluttered and discordant appearance to this part of the property. The structure is set over a small courtyard style area and it has created a difficult to categorise part open/part under-cover space that neither feels a part of the garden nor a part of the flat. Because of its height above the existing boundary wall and conservatory it is fairly prominent, particularly from the gardens and some of the rear windows of the host building and the immediately neighbouring property to the west, No 41 Anson Road.
7. I acknowledge that the Mapesbury Conservation Area Design Guide 2018 (the Design Guide) states in section 3.2 that infill extensions should usually be designed to be light and transparent. However, the Design Guide also states that new single storey rear extensions should respect the style, proportions and character of the host building, which the canopy does not, and that they should not be higher than 2m on the boundary of the site, while the canopy is at some 3m. The canopy therefore does not comply with the Design Guide.
8. Consequently, the works harm the character and appearance of the building and the wider area and fail to preserve or enhance the character or appearance of the Mapesbury Conservation Area. The works therefore fail to comply with Policies DMP1 and DMP7 of the Development Management Policies 2016 (the DMP) which, amongst other things, seek high quality design which conserves or enhances the significance of the conservation area.

Living conditions

9. The site is directly adjacent to 41 Anson Road. There is a flat, No 41A, within this property with a glazed door to the rear elevation which looks out onto the boundary wall with the appeal property and the canopy beyond it. I have not been provided with any direct evidence regarding the layout of this flat, but the decision letter for a previous appeal decision in 2015 (Ref APP/T5150/W/14/3002042) considered this issue and found that the relevant glazed door was to a kitchen in the flat at No 41A.
10. The canopy is visible from this door, as it rises noticeably above the boundary wall, and provides an element of built structure very close to the door. However, the canopy is a very lightweight structure with a transparent roof and no walls. It is also located directly on, and within the lee of, the taller, solid, two-storey flank wall of the existing rear wing of the appeal building, and directly adjacent to the conservatory of the appeal property. In the context of this pre-existing built form, I am not persuaded that any loss of outlook and

increased sense of enclosure from the canopy to the occupiers of No 41A is significant or unacceptably harmful.

11. Therefore, the works do not unduly harm the living conditions of the occupiers of 41A Anson Road and they comply with the relevant parts of Policy DMP1 of the DMP which, amongst other things, seeks to protect internal and external amenity. They also comply with Paragraph 127 of the Framework which, amongst other things, seeks a high standard of amenity for existing and future users.

Other Matter

12. The appellant has highlighted that a previously approved, although now lapsed and not built, rear bay extension to the property in part of the area where the canopy now stands should be taken into account. I have done so, but this previous approval for a small brick-built extension to the main rear elevation does not justify the erection of a canopy structure of completely different character and appearance.

Planning Balance and Conclusion

13. I find the harm to the conservation area I have identified to be less than substantial. In this case, the benefits of the works are the provision of greater utility to the occupiers of the flat through the creation of an under-cover area. However, I do not consider these to be public benefits as they only benefit the occupiers of the flat. The works do not secure the flat's optimum viable use because there is no evidence that the additional space created is necessary in order to ensure the flat provides adequate living conditions for its occupants. I therefore find no public benefits to the works to outweigh the less than substantial harm to the conservation area. As directed by Paragraph 193 of the National Planning Policy Framework, I place great weight on this harm.
14. The works do not unduly harm the living conditions of occupiers of 41A Anson Road. This weighs neutrally in the planning balance.
15. Consequently, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR