



Appeal Decision

Site visit made on 28 July 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/T5150/W/20/3246599

189 High Road, London NW10 2SD

- 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 Ms Nicky Ani, Monarch Concept Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/4276, dated 3 December 2019, was refused by notice dated 29 January 2020.
 - The development proposed is demolition of existing ground floor retail unit and upper floor 3 bedroom flat and erection of a new four storeys building comprising of a replacement ground floor retail unit and a replacement 3 bedroom flat on upper floors.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal site comprises the three storey building on the corner of Hawthorne Road and High Road, currently in use as a retail unit¹ with a flat above, and known as Nos 189 and 189A High Road (the corner building). Formerly this corner building, together with the surrounding open and sheltered storage/workshop areas (the former storage site) that wrapped around it, appears to have been occupied as Willesden Salvage but, although still in the same ownership, the sites have been registered as two separate land parcels.
3. The appeal site is described by the Parties as adjoining the North Testament Church of God. However, that was the case for a previous proposal, planning Ref 19/0987 (the earlier permission), as varied by 19/2742 (the variation permission), which relate to both the former storage site and the corner building. These existing permissions relate to the re-development of the former storage site for two retail units and nine residential units whilst retaining the existing retail unit and upper floor flat in the corner building. At the time of my site visit construction had commenced on the former storage site. The appeal proposal, relating to the corner building only, is on a much smaller site, separated from the Church and from the neighbouring dwelling on Hawthorne Road, by the building which is under construction.
4. The main issue is whether or not the appeal site is suitable for the development proposed taking into account: the existing permissions; whether or not appropriate provision would be made for affordable and family housing and other infrastructure; and the effect of the proposal on the character and appearance of the area.

¹ Class A1 of the Town and Country Planning (Use Classes Order) 1987 as amended

Reasons

5. The High Road is typified by ground floor commercial uses, with upper floors predominantly in residential use. The site is in a highly accessible location. Replacement retail use on the ground floor with upper floor self-contained residential accommodation would be acceptable in principle provided other planning policies and material considerations are satisfied.

Effect of existing permissions

6. At my request the appellant provided a plan showing the red line indicating the appeal/application site and other land in the ownership or control of the appellant. This shows the appellant also has control over the former storage site. I also requested the proposed ground floor and site plan to include the layout for the adjoining land as permitted by planning Ref 19/0987, as amended. The standalone approved site and ground floor plans for the variation permission were provided but the evidence does not include the combined floor and site plans.
7. The existing permissions retained the corner building with shared refuse and cycle storage in a rear courtyard accessed from Hawthorne Road. The proposed standalone development of the corner building indicates a relatively small bin store opening into the shared courtyard. However, as the red line of the application/appeal site adjoins the building, the store would not be accessible to future occupiers of the proposed building. Nor would there be access to cycle storage. Moreover it is not clear that, if the appeal proposal were to go ahead, then adequate refuse storage would be available for future occupiers of the building permitted under the existing permissions.
8. In the absence of evidence to the contrary I cannot confidently conclude that the appeal site is suitable for the development proposed taking into account the existing permissions.

Affordable and family housing

9. The London Borough of Brent Core Strategy 2010 (the CS) and the Development Management Policies 2016 (the DMP), together with the London Plan, seek to deliver housing to meet local needs. The Borough has identified an unusually high number of large households which are in housing need and a history of provision of smaller accommodation rather than housing suitable for occupation by families and larger households.
10. Policies 3.11 to 3.13 of the London Plan; Policy CP2 of the CS; and Policy DMP15 of the DMP; supported by the London Borough of Brent S106 Planning Obligations Supplementary Planning Document 2013 (the POSPD); together seek that 50% of new homes on a site which has the capacity to provide ten or more homes should be affordable housing; and that 25% of new homes should be family sized, which is defined as 3 bedrooms or more. Policy CP21 supports this and seeks to maintain and provide a balanced housing stock.
11. Whilst I acknowledge the Council's concerns in respect of the combined former storage site and the corner building and potential 'threshold abuse', in this instance there is no indication that the appeal site before me has the capacity to provide ten or more homes. Nor can I see that a proposal to replace a three bedroom flat with another three bedroom flat contravenes the requirements in relation to the provision of family sized homes or the provision of

infrastructure. Accordingly I find the appeal site would not be unsuitable for the development proposed in terms of appropriate provision being made for affordable and family housing and other infrastructure. I find no conflict with Policies CP2, CP21A or CP15 of the CS; Policy DMP15 of the DMP; Policies 3.11 to 3.13 of the London Plan or the POSPD in these respects.

Character and appearance

12. The existing building is three storeys high and appears to date from the Victorian period. It is on a corner of Hawthorne Road and is prominent in views along both the High Road and Hawthorne Road. Although not of identical appearance it is a bookend with the building on the opposite corner of Hawthorne Road including having a ground floor entrance set back and angled to turn the corner of the junction. It is eye catching in the street retaining many architectural features such as tiled shopfront, stained glass, corbels, lintels, curved railings and tall distinctive chimney stacks. It has an interesting and varied roof line; a decorative frontage to the High Road, and, albeit to a lesser degree, to Hawthorne Road. It provides an interesting key focus in the street whether or not incongruous uPVC windows have been installed.
13. The building is not listed statutorily or locally listed and is not within a Conservation Area or an area of distinctive residential character. However I find it appears as a key feature in the locality in terms of sense of place, recognisability and interesting features. The Council considers it to be a non-designated heritage asset although I have seen no evidence to suggest it has been formally recognised as a landmark or other important building. Whilst there is no statutory protection for a non-designated heritage asset, the National Planning Policy Framework (the Framework) indicates that the significance of such assets should be taken into account and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset. The Framework also indicates that loss of a heritage asset should not be permitted without reasonable steps being taken to ensure the new development would proceed after the loss has occurred.
14. The surrounding street scene is typified by a variety of development. Willesden High Road is a busy commercial street characterised by three and four storey terraced properties of the Victorian and Edwardian era interspersed with more modern developments that, together, create a varied and eclectic street scene. In contrast Hawthorne Road is generally a traditional residential street with mainly short, terraced blocks of houses.
15. The proposed building would be four storeys high with a flat roof. The top floor would be setback from the High Road. Overall it would not be of a dissimilar height to the ridge of the existing building. However, the mass and scale of the proposed building, particularly at the top floor level, would appear over dominant and oppressive due to the overall height, the block form, the stretch of the four storey building along Hawthorne Road and the minimal setback from Hawthorne Road at any level. Moreover the extent, layout and proportions of the glazed areas, the paucity of architectural detailing to add interest on this prominent corner location, and the extent of incongruous beige brickwork, particularly on the Hawthorne Road elevation, leads me to conclude the proposed building would not be a suitable replacement for the existing corner building.

16. I acknowledge that the design, particularly of the elevation facing the High Road, would replicate that of the permitted building on the former storage yard. However, that was for an infill building and the part facing Hawthorne Road steps down in scale to three floors. I do not consider the existing permission justifies the design, scale and extent of the building now proposed, in conjunction with the permitted building, on this prominent corner.
17. Changing styles are part of the evolution of the street and it is clear from the varied designs along the High Road that the Council has accepted the replacement of older buildings by new ones of contemporary design. For example, this has occurred at 295-297 High Road planning Ref 12/1685. However, this was for an infill building and therefore does not set a precedent for the development of this corner building. Similarly the properties at 152 and 156 High Road are different from the appeal proposal in that they are not corner properties. I acknowledge the Willesden Medical Centre at 144-150 High Road is also on a prominent corner block. It 'turns the corner', with an angled façade, and is set back from the High Road at ground floor and from the High Road and Villiers Road at the top floor. However, I would concur with the Council that this building is of little architectural merit. Accordingly I consider it would not be appropriate to use this as a precedent for good design.
18. For the reasons set out above I conclude that the appeal site is not suitable for the development proposed taking into account the effect on the character and appearance of the area. Accordingly the proposal would not amount to good design and would in this respect fail to comply with Policy DMP1 of the DMP; Policy CP17 of the CS, Policies 3.5 and 7.6 of the London Plan and the Brent Design Guide for New Developments SPD. These together seek to ensure good development that respects the character and appearance of the street scene and to ensure suitable replacements for heritage assets.

Planning Balance and Conclusion

19. The proposed development would provide a modern building which would be more energy and CO2 efficient. The measures set out in the appeal statement could be ensured by condition. The proposal would provide more useable outdoor balconies and enhanced living conditions for occupiers of the proposed flat compared to that of the existing flat. I give these matters some weight in the context of this appeal.
20. However, planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the site is not suitable for the development proposed taking into account the existing permissions and the effect of the proposal on the character and appearance of the area and I have found conflict with the development plan in these respects. In failing to comply with Policies CP2, CP21, CP15 and CP17 of the CS; Policies DMP1 and DMP15 of the DMP; and Policies 3.11 to 3.13, 3.5 and 7.6 of the London Plan; the proposal cannot be said to comply with the development plan taken as a whole. I find insufficient material considerations to outweigh this conflict with the development plan and conclude the appeal should be dismissed.

S Harley

INSPECTOR