



Appeal Decision

Site visit made on 28 July 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2020

Appeal Ref: APP/T5150/W/20/3248039

Neasden Service Station, Neasden Lane, London NW10 2UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Ms Bahareh Saber against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0530, dated 11 February 2019, sought approval of details pursuant to condition No 1 of planning permission Ref: 17/3794, granted on 29 August 2018.
 - The application was refused by notice dated 31 January 2020.
 - The development proposed is demolition of existing service station and erection of a five-storey hostel (Use class Sui Generis) with associated parking (all matters reserved) and all associated site development works.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed and approval of the reserved matters is refused, namely: access, appearance, landscaping, layout, and scale details submitted in pursuance of condition 1 attached to planning permission Ref 17/3794 dated 29 August 2018.

Procedural Matters

2. Outline planning permission (application reference 17/3794) was granted on appeal¹ for demolition of an existing service station and erection of a five-storey hostel with associated parking, whilst reserving access, appearance, landscaping, layout and scale for future approval (the reserved matters). It is these reserved matters for which approval is now sought.
3. The main parties indicate that the proposal was altered during the reserved matters planning application process through the submission of amended drawings and supporting information. The appellant has described the reserved matters scheme originally submitted to the Council as 'Option 1'. The development shown on amended plans submitted to the Council in September 2019 is described as 'Option 2', and the development shown on amended plans submitted to the Council in December 2019 is described as 'Option 3'.
4. I have been asked to consider the merits of all 3 of these options. I accept that all were before the Council at various points prior to its determination of the application, but there are notable differences in the design of the options, as well as in the number of rooms and bedspaces. The Council's decision was

¹ Appeal reference APP/T5150/W/17/3190117

made according to the proposal shown by the 'Option 3' plans. Accordingly, its evidence relates to this iteration of the proposal and this is also the development against which interested parties understand the appeal has been made. For these reasons, I consider that the interests of these parties could be unfairly prejudiced were I to revert to consider the earlier proposals put forward under Options 1 or 2. I have therefore determined the appeal on the basis of the 'Option 3' plans dated December 2019 on which the Council's decision was made.

5. The appellant states that the decision notice is incorrect in listing documents received at any date earlier than 11 February 2019. However, the earliest date for any of the listed plans or documents is 12 February 2019, and I see no discrepancy.

Main Issues

6. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area; and
 - ii) the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to light.

Reasons

Character and Appearance

7. The appeal relates to the site of a former petrol filling station set between Neasden Lane to the front and a railway line which runs at a higher land level to the rear. Buildings in the surrounding area accommodate a mix of residential, commercial and other uses. Closest to the site, these include a six-storey building known as Chancel House to the opposite side of Neasden Lane, four-storey flats on Knapp Close to the south as well as two-storey terraced dwellings of traditional design on Neasden Lane to the north of the site. Nevertheless, the generally similar scales, proportions, materials and designs of the buildings of each type promotes an even rhythm and sense of unity across each of the individual groups of terraced dwellings and flats which is reinforced by the typical repeated patterns of their fenestration. The arrangement of windows to Chancel House displays a similar uniformity.
8. The appeal proposes a 19-bedroom hostel together with ancillary facilities. The building would be positioned close to the boundary of the site fronting Neasden Lane. It would be up to five-storeys in height with a stepped design, including lower sections at either side of the building and the highest part of the building set back from the street frontage.
9. The appellant has drawn my attention to the location of the site within the Church End Growth Area which I note is a focus for mixed-use regeneration. In this context, and given the existing variation in the scale of nearby buildings, the height of the building in itself would not cause it to appear inconsistent or out of place, nor would its footprint be excessive. The building's stepped design would also provide for a degree of transition between its highest part and the lower height of the neighbouring buildings on this side of Neasden Lane.
10. However, the proportions of the resulting sections vary, and there are elements of differing height and designs to each side of the building causing it to appear

unbalanced and disjointed when viewed as a whole. This is highlighted most conspicuously by the hipped roofs to the first and second floor levels closest to 91 Neasden Lane which would contrast starkly with the flat roof sections to most of the rest of the building, and the angled roof to the third floor closest to No 91 would be different again. The use of a mixture of brick and painted render materials would additionally emphasise the building's mixed appearance. Moreover, notwithstanding some examples of render to other buildings nearby, the greater overall expanse of render to the development would appear unusual against the more common brick finishes to other dwellings.

11. The building's incoherent appearance would be further exacerbated by the proposed fenestration. Windows to the front and rear elevations would be aligned vertically above ground floor level, but the spacing between them would be uneven. The number and alignment of windows to different storeys within the side elevation facing towards Wharton Close would also be inconsistent, with no windows at all to the second floor level, and the windows at third floor level set at different heights giving this elevation a somewhat erratic appearance. The resulting irregular arrangement of glazing would be at odds with the ordered pattern of fenestration typical to other buildings nearby.
12. In addition, no glazing at all is proposed to the side of the building facing No 91. Detailing to this and the other elevations would also be fairly limited, and would offer little visual interest or relief to break up the building. It would appear bulky as a result, and the elevation closest to No 91 in particular would cause the much greater height and overall mass of the building to appear jarring against the more modest scale of the neighbouring terraced buildings.
13. The development would be prominent in views approaching the site from both directions along Neasden Lane above the neighbouring terraced dwellings or across the adjacent greenspace on the corner of Wharton Close, particularly when the trees here are not in leaf. In these views, as well as in direct views from the street to the front, the discordant fenestration and mismatched sections of the building would appear contrived and incongruous, and together with the bulk of the building would form an unsympathetic and intrusive feature in the street scene.
14. I appreciate that the site is constrained by its surroundings, but for these reasons, I conclude on this main issue that the detailed layout, scale and appearance of the proposal would unacceptably detract from the character and appearance of the area. As a consequence, it would conflict with Policy DMP1 of the Development Management Policies 2016 (DMP), Policy CP17 of the Core Strategy 2010 (CS) and Policies 7.1, 7.4 and 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP). Together, these policies broadly seek high quality design and include, amongst other things, a requirement for development to complement and reinforce or enhance the character of the area in which it is located. There would also be conflict with guidance within the Brent Design Guide Supplementary Planning Document 1 2018 (SPD1) and the National Planning Policy Framework (the Framework) which have similar aims.

Living Conditions

15. I note comments by the main parties that the proposal would adhere to '2:1' guidance within SPD1 which relates to the depth of buildings in relation to

- neighbouring buildings. However, this guideline is not determinative as to whether or not sunlight or daylight to neighbouring occupiers would be harmed. In this regard, the SPD1 advises that use of 'Site Layout planning for daylight and sunlight: a guide to good practice' produced by BRE is supported ('the BRE guidance').
16. The appellant's evidence includes a Daylight and Sunlight Report (DSR) dated March 2019 (reference 1907/LIGHT) and a revision dated September 2019 (reference 1907/LIGHT/REV1). These consider effects on some neighbouring occupiers with regard to the BRE guidance. However, neither relate to the development which is before me as part of this appeal, referring instead to the earlier 'Option 1' and 'Option 2' proposals. In comparison to the appeal development, these earlier options show alternative layouts to the different floor levels of the building and differing heights to some sections of the building. Given these variations which affect the mass of the building closest to the neighbouring terraced dwellings, I cannot rely on the findings of the DSR or revised DSR as an accurate assessment of the appeal proposal
17. Moreover, the DSR and revised DSR highlight a significant reduction in the area of the garden to No 91 receiving at least 2 hours of direct sunlight on 21 March. The effect of the revised DSR scheme would be less acute, but in the case of the original version of the DSR, this reduction would be to a level well below the recommended figure of 50% noted within the BRE guidance. This would considerably diminish the attractiveness of the space, and would be likely to limit use of the garden to No 91 for at least part of the year, detracting from the quality of life experienced by occupiers of the dwelling. Neither suitable levels of internal sunlight and daylight nor of sunlight to the garden on 21 June would in my view compensate for this constraint on its usage.
18. In the absence of a specific assessment of the appeal development, and with regard to its scale, layout and design in comparison to the earlier proposals, there seems to me a real possibility of a similar detrimental loss of light to the garden to No 91. While I acknowledge that neighbours have not objected to the proposal, I am accordingly concerned that the living conditions of neighbouring occupiers would be harmfully diminish by the development.
19. In conclusion on this main issue, I am unable to find that there would not be unacceptable harm to the living conditions of neighbouring occupiers. I therefore find that the proposal would conflict with Policy DMP1 of the DMP which includes, amongst other things, a requirement for development to provide a good level of internal and external amenity.

Other Matters

20. The Council's second reason for refusal of the reserved matters application asserts that there is insufficient information to enable assessment of whether or not the proposal would protect and enhance biodiversity, wildlife and protected species in accordance with the requirements of Policy CP18 of the CS, Policy 7.19 of the LP, the Framework, and relevant legislation.
21. However, this appeal relates to reserved matters pursuant to an already granted outline planning permission. There is no reference within the appeal decision on the outline planning application to these matters, which I would have expected to see were this a key issue. Nor are there any conditions requiring further details to be provided. I acknowledge that the detail of the

development was not known at outline stage. Nevertheless, the outline permission allows for the erection of a five-storey building and noting the nature of the appeal site, it is difficult to see how the appeal proposal would result in harm that could not have been anticipated at outline stage and suitably addressed by conditions.

22. I can only deal with the acceptability of the details of the reserved matters, and it is not before me as part of the current appeal to reconsider matters which were, or should have been, dealt with at the outline stage. Given this and in light of the above, I am not persuaded that the effect of the proposal on biodiversity comprises an issue within the scope of the appeal before me.
23. I recognise that the appellant has made changes to the development seeking to respond to the Council's concerns and that these have reduced the number of rooms from the original proposal for the site. I also note that interested parties have not objected to the development, but this is a neutral factor which weighs neither for nor against the proposal.
24. The hostel would offer short-term accommodation which could meet the needs of a range of occupants in the area. However, this benefit would not outweigh the harm I have identified would be caused to the character and appearance of the area, and to the living conditions of neighbouring occupiers. The development would conflict with the development plan when it is read as a whole and there are no material considerations which indicate that a decision contrary to the development plan should be reached.

Conclusion

25. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR