
Appeal Decision

Site visit made on 16 September 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/T5150/D/20/3254377

2 Dartmouth Road, London NW2 4EU

- 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 A Brown against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/0256, dated 24 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is described as the retention of replacement roof tiles, juliet balconies to rear dormers and rooflight to rear roof-slope.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development has preserved or enhanced the character or appearance of the Mapesbury Conservation Area (MCA).

Reasons

3. The appeal building is a substantial and imposing detached Victorian townhouse set back from and facing Dartmouth Road. It is a good quality example of its type and is sat in a street scene of similar such dwellings that, for their large part, retain their traditional shape and design which includes mostly uninterrupted roofscapes, a regular fenestration rhythm and period details such as vertically sliding sash windows and pargeting. The appeal building occupies something of a corner plot, which exposes part of its side elevation, consequently it appears to have a wider presentation to the street. Along with others in the street, and for the reasons I have given, the appeal building makes a positive contribution to the MCA.
4. There are some dormer windows on other dwellings in the street. They tend to be small and well contained within the roof slope. Indeed, a planning permission exists for a number of alterations to the appeal building, including the insertion of three flat roof dormers in the rear roof slope. The pre existing plans that I have seen with the appeal scheme show those dormers as being set into the roof, back from the eaves. They appear to show vertically sliding sash windows and no external metalwork.
5. The dormers that have been inserted in the rear do not appear to be the same. Not only in terms of the insertion of double doors instead of sash windows and

the addition of the Juliet balconies for which planning permission is sought through this appeal, but also that they seem, on what I saw on my site visit, to be almost flush with the eaves. This apparent larger size, and height specifically, results in a significantly more prominent addition to the roof. Not only does this diminish the quality of the original roof shape but means the rear elevation appears top heavy, detracting from the building's characteristic form and design. The type of double side hung doors used, and the balconies attached are exacerbating factors to this impact and accordingly jar with the dominating window type to the upper floors.

6. I note there is a double door and Juliet balcony to the first floor and there is a suggestion, since it appears on the pre existing plans for the appeal, that this has been approved as part of the aforementioned planning permission. That said, it is on a lower part of the house and thus considerably less prominent. Also, it would serve as something of an isolated and anomalous feature on the rear elevation that would arguably not, when considering the building as a whole, be overly harmful. This is fundamentally different three such features on large structures in the roof slope.
7. For the reasons I have given above, the development has resulted in harm to the MCA, insofar as it has harmed the appearance of a prominent and good quality building that contributes positively thereto. In the context of the MCA as a whole, and given the scale of the development, this harm would be less than substantial. I am therefore required, under paragraph 196 of the Framework¹, to balance it against the public benefits of the proposal.
8. No public benefits have been provided in the evidence and beyond what benefits there may be for occupiers of the rooms the revised dormer designs serve I cannot see anything that might be of benefit to the public. Ultimately, the appeal scheme relates to alterations to a private dwelling and not any such development that would relate to community uses or beyond. With this in mind, the public benefits of the proposal would not be sufficient to outweigh the harm that I have found. Particularly in light of the assertions of paragraph 193 of the Framework which sets out that great weight should be given to the conservation of a heritage asset.
9. The appeal scheme has therefore failed to either preserve or enhance the character or appearance of the MCA. Such that there would be conflict with both section 16 of the Framework and Policies DMP1 and DMP7 of the Local Plan². Amongst other things, these policies seek to protect the historic environment from harm through the use of design that provides high levels of amenity and consider suitable development that conserves, sustains or enhances the significance of heritage assets.

Other Matters

10. The Council's second reason for refusal sets out how the plans they considered did not sufficiently relate to the works that had been carried out. As such they were unable to fully assess its impact. They make reference to the MCA and the living conditions of neighbouring occupiers in this regard. As far as I can see, the Council have sufficiently articulated their objections to the development in the context of the MCA. Enough at least to demonstrate to me

¹ The National Planning Policy Framework 2019

² London Borough of Brent Local Plan: Development Management Policies 2016

where they felt the harm would arise. I agree with the appellant that the development would not give rise to any additional affects on the living conditions of neighbours over and above that which would arise from the development that has been approved. I.e. that an extant planning permission exists for three dormer windows in the rear roof slope. I have not therefore investigated this reason for refusal any further.

11. The appellant has asked that I consider issuing a split decision in regard to the appeal scheme since the Council did not seem to object to the replacement roof covering or the single roof light to the rear. I would be inclined to agree with the Council on these matters. The roof light is small, flush and therefore relatively inconspicuous and the use of a different type of tile on the roof does not detract from its shape or form and complements the existing brick colour. In addition, the appeal building is not the only one in the immediate area to have departed from plain, red clay tiles on the roof. That said, granting a split decision would have to have regard to the plans before me which, as I have alluded to above, are not accurate to what has been carried out on site in a number of respects. This puts doubt in my mind as to whether details are correct or have been fully checked which ultimately leaves some ambiguity not only for the drafting of conditions setting out compliance with approved plans but also enforcement for the Council going forwards. I have not therefore taken this route.
12. I have been passed details of approved works for a dwelling at No 52 Dartmouth Road, Council reference 15/2939. This scheme granted planning permission for a number of alterations including window changes that also related to some doors in a dormer window. Be this as it may, No 52 is some distance from the appeal building and does not therefore relate much to its context. In addition, the proposed doors in the dormer appear to be a four leaf set of bi folds rather than side hung double doors. I am unsure as to whether the photos I have seen in the evidence are of the building before or after the works but the size and substance of glazing in the dormer seems to be at the least existing or long established. The design of the dwelling itself is also fundamentally different to the appeal building and I was not party to the circumstances of the planning permission that was granted. Taking all of this into account, I am not persuaded to allow the appeal.
13. The appellant has also included photographs of other dormer structures on what they say are local dwellings but has neglected to confirm where they are in relation to the appeal building. Notwithstanding, at least one of the photos appears to be of a noticeably more modern single storey dwelling with rooms in its roof space. Each development proposal is considered on its own merits, with regard to what and where it is. I have done so with the appeal scheme and concluded accordingly.

Conclusion

14. Whilst having regard to other matters that have been raised by third parties, it is for the reasons I have set out above that the appeal is dismissed.

John Morrison

INSPECTOR