
Appeal Decision

Site visit made on 23 September 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 08 October 2020

Appeal Ref: APP/T5150/W/20/3254233

First Floor Flat, 132 Olive Road Road, London NW2 6UU

- 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 Otudeko against the decision of the Council of the London Borough of Brent.
 - The application Ref: 20/0389, dated 4 February 2020, was refused by notice dated 6 April 2020.
 - The development proposed is a loft conversion with Juliette balcony, sunken roof terrace to the rear including 1.7 metre high fencing and three front rooflights to first floor flat.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Otudeko against the Council of the London Borough of Brent. This is the subject of a separate Decision.

Main Issue

3. The proposed development including the provision of some rooflights. However, from the evidence before me, the main issue is the effect of the rear dormer window and roof terrace upon the character and appearance of the surrounding area.

Reasons

4. The appeal site consists of a terraced property, which has previously been divided into two separate dwellings and includes a rear outrigger. The upper flat is spread over two storeys. Properties in Olive Road are generally arranged in a linear form with rear gardens. To the rear of the appeal site is Oman Avenue. This also includes buildings arranged in a linear form and features a block of flats called Oman Court.
5. The proposed development includes a dormer window that would envelop the rear roof slope, in addition to the side roof slope of the outrigger. In consequence, this would erode the general form of architecture that is a feature of the appeal site and the locality due to the loss of a significant proportion of the building's roof slope.
6. In addition, the proposed development would feature an unconventional design owing to it featuring an outdoor terraced area. Due to the elevated height of the development, this would contribute to the erosion of the building's

character, which would appear incongruous when viewed alongside the more traditional forms of architecture present at the neighbouring dwellings.

7. Whilst the proposed roof terrace would include some screening, this would be constructed from wood. This would represent a material not currently used at this point of the appeal site, or within the surrounding area in significant quantities. This would add to the general incongruous form of development.
8. The development would be located at the rear of the building, which means that it would not be easily viewed from Olive Road. However, views of the scheme would be possible from the rear gardens of several neighbouring properties.
9. In addition, the development would be visible from the rear elevation windows of buildings in Oman Avenue, including Oman Court itself. Furthermore, there would be some views from the car park of Oman Court. In result, the proposed development would be experienced by a significant number of people, which would exacerbate the adverse effects on the character of the surrounding area.
10. It appears that planning permission has previously been granted for a rear dormer window. I have no reason to assume that this permission is incapable of being implemented. However, the development before me is of larger proportions given that the rear dormer windows would be attached to the structure on the rear outrigger. By reason of this accumulation of development, a divergent approach is justified.
11. I note that the appeal site does not feature any outdoors recreation space. However, the appeal site is very close to a public park. Whilst this park would not serve as a venue for all types of recreation, the availability of a park in proximity to the appeal site means that residents would have access to facilities for outdoors recreation. Accordingly, I do not believe that the lack of existing garden space within the appeal site overcomes my previous concerns.
12. I am aware of other developments within the surrounding area. I do not have full information regarding their planning circumstances, which lessens the weight that I can attribute to them. However, I note that, in general, such existing dormer windows are of different designs to the appeal scheme, which means that their effects would not be the same as the scheme before me.
13. In addition, it appears that some of the existing developments were constructed using permitted development rights. This means that their proportions differ to the scheme currently before me. Accordingly, these existing developments do not have the same effects as the appeal scheme. In result, I do not believe that the presence of existing developments allows me to disregard my previous concerns.
14. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conflicts with Policy DMP1 of the Brent Local Plan (2016) and the Residential Extensions and Alterations Supplementary Planning Document. These, amongst other matters, seek to ensure that new developments complement the locality; that dormer windows are in keeping with the rest of the house; and that roof terraces should minimise the impact on the elevation and match existing materials and colours.

Other Matters

15. The proposed development is unlikely to affect the living conditions of the occupiers of neighbouring properties. Whilst this is a matter of note, it is only one of all the matters that must be considered. In consequence, this point does not overcome my previous conclusion in respect of the Main Issue.
16. It is acknowledged that the appellant, in submitting the planning application, was attempting to overcome the reasons for a previous refusal of planning permission. However, I have assessed the proposed development against the requirements of adopted planning policies. Accordingly, I do not believe that this matter overcomes my previous conclusion.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR