
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/20/3252531
187 Harlesden Road, London NW10 3SD

- 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 Chi Yeo against the decision of the Council of the London Borough of Brent.
 - The application Ref: 19/3668, dated 15 October 2019, was refused by notice dated 28 April 2020.
 - The development proposed is the erection of new dwelling and provision of associated pedestrian access, cycle and refuse store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon the living conditions upon the occupiers of neighbouring properties, with particular reference to privacy; and
 - the effect of the development upon flood risk.

Reasons

Character and appearance

3. Harlesden Road contains a variety of dwellings that are arranged in a broadly linear pattern. Nearby roads include Reservoir Way and Kings Road. These maintain the pattern of linear arrangements of dwellings. The appeal site contains a detached house, with a garden to the rear.
4. The proposed development, by reason of it being a detached dwelling set back from the highway by a significant distance would be a significantly different form of development to that present within the surrounding area. Furthermore, the proposed development would deviate from the prevailing character as the shape of the footprint of the dwelling would differ from the prevalent form of development within the surrounding area. In consequence, the proposed development would appear incongruous.

5. The proposed development would have a similar height to some other dwellings in the surrounding area and includes some features such as bay windows that are similar to features on other dwellings nearby. However, the proposed development would appear discordant. As the development would not reflect the linear pattern of development that is a feature of the surrounding area. In addition, the lack of a discernible frontage with the highway edge would mean that the proposed development would deviate from the form and arrangement of dwellings that is prevalent within the immediate vicinity of the appeal site. For these reasons, the proposed development would appear incongruous.
6. This cause a concern owing to the prominence of the development, the inappropriate form of the development would be readily apparent. This is due to the number of views of the proposed development that would be apparent from many of the surrounding properties in Harlesden Road, Reservoir Way and Kings Road.
7. Therefore, whilst the propose dwelling would not be visible from the surrounding highway network to significant degree, it would appear incongruous as the form of the development would be readily apparent by the occupiers of the surrounding properties.
8. I acknowledge that the proposed development would be constructed form materials like those utilised on some other properties within the surrounding area. However, this does not overcome the previously described adverse effects.
9. 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, would conflict with Policy DMP1 of the Brent Local Plan (2016) and the Brent Design Guide Supplementary Planning Document 1 (2018) (the SPD). These, amongst other matters, seek to ensure that new developments are of a layout, scale, type and design that complements the locality and respects the existing urban grain.

Living conditions

10. The garden of the appeal site is an irregular shape. Reservoir Close has been constructed close to the side boundary adjacent to the siting of the proposed dwelling. These properties have smaller gardens than the appeal site. The appeal site would also feature an access way through the garden that would serve the existing dwelling.
11. By reason of the siring of the proposed dwelling, views from the development would be possible towards the rear elevation and garden of the nearby property at 11 Reservoir Way and the remaining rear garden of 187 Harlesden Road. Whilst I acknowledge that views towards No. 11 would be made at a relatively oblique angle, the proximity of the proposed development to the shared boundary means that the privacy of this property would be eroded.
12. These effects would be particular concerning as the proposed development would overlook rear gardens. Owing to the pattern of development within the vicinity the existing rear gardens are the only areas that residents might undertake private outdoors recreation, or activities such as outdoor play. In consequence, the loss of privacy would be particularly significant.

13. Furthermore, the loss of privacy would be particularly apparent as the proposed development would be of two storeys. In consequence, the installation of additional boundary treatments, or landscaping, is unlikely to be sufficient to diffuse any views from the proposed dwelling, particularly due to the proximity of the building to the shared boundaries. In addition, any landscaping is likely to take some time to become established, which lessens its likely effectiveness.
14. I acknowledge the appellant's suggestion that any overlooking might be comparable to existing relationships between houses. However, as the proposed dwelling would be located to the rear of the existing gardens, there would be a greater extent of views over the gardens of the existing properties than from the existing dwellings within the surrounding area. Accordingly, I do not find that this is sufficient to overcome my previous concerns.
15. I therefore conclude that the proposed development would have an adverse effect upon the occupiers of neighbouring properties. The development, in this regard, conflicts with Policy DMP1 of the Local Plan and the SPD. These, amongst other matters, seek to provide a high level of external amenity and ensure a good level of privacy.

Flood risk

16. The site of the proposed dwelling is reasonably level and features relatively few built structures. The site, in the main, contains grassed and garden areas.
17. The proposed development would result in an increase in the level of built form. In consequence, there would be an increase in the level of impermeable surface treatments within the surrounding area. In consequence, the appeal site would have a diminished ability to absorb any rain water or surface run off from other sites. This, in turn, could increase the level of flood risk either within the appeal site, or the surrounding area.
18. Whilst I note that the appeal proposal includes some permeable surfacing to the path leading from Harlesden Road to the proposed dwelling, it has not been demonstrated that this would be sufficient to absorb the additional run created by the proposed development. Accordingly, this is not sufficient to overcome my previous concerns.
19. References are made, at times, within the appellant's Statement of Case that suggest that the appeal site is not located within Flood Zone 3a. However, I have not been provided with any technical evidence in support of this view, nor have I been provided with an indication as to an alternative Flood Zone in which the site might be located. In addition, some of the evidence before me describes some past issues with surface water run off within the vicinity of the appeal site. In light of the absence of evidence that conclusively demonstrates that the site is not the case, I have proceeded on the basis that the appeal site is within Flood Zone 3a as cited in the Council's Statement of Case and the original reason for the refusal of planning permission.
20. I have had regard to the appellant's suggestion that a condition could be imposed to secure the submission of a Flood Risk Assessment and, if necessary, the installation of appropriate mitigation. However, I do not believe that this would be an appropriate approach as without certainty regarding the effects of the development, any condition would not contain sufficient precision

regarding the amount and type of mitigation to be provided. In consequence, such a condition would not be reasonable and would not overcome my previous concerns.

21. I have also had regard to the requirements of the National Planning Policy Framework (the Framework) and, in particular, Footnote 50. This states that proposals for developments in Flood Zones 2 and 3 and, in some instances, Flood Zone 1 should be accompanied by a site-specific flood risk assessment. The absence of such an assessment means that I am unable to conclude that the proposed development would not have an adverse effect on flood risk.
22. I therefore conclude that it has not been demonstrated that the proposed development would not have an adverse effect on flood risk. The development, in this regard, conflicts with Policy DMP9a of the Local Plan and the Framework. These, amongst other matters, seek to ensure that developments minimise the risk of flooding on site, and increase risk elsewhere.

Other Matters

23. I note that the proposed development is unlikely to have a significant adverse effect on the highway system. Whilst this is a matter of note, it is only one of all the matters that must be considered. It therefore does not overcome my findings in respect of the Main Issues.
24. I acknowledge some concerns that have been raised by the appellant regarding the receipt of pre-application advice from the Council, however, in considering this appeal, I have limited my considerations to the planning matters before me.

Conclusion

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

Benjamin Clarke

INSPECTOR