



Appeal Decision

Site visit made on 22 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/19/3243701

18 Iron Bridge Close, London NW10 0UF

- 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 Dan Pathirana against the decision of the Council of the London Borough of Brent.
 - The application Ref: 19/3106 dated 1 September 2019, was refused by notice dated 4 November 2019.
 - The development proposed is the creation of nine self-contained flats (two x 2-bed, two x 1-bed and five x studios) involving the construction of three additional floors with a rooftop farm, boundary wall with metal railing, garden lighting, amenity space, secure cycle storage, and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the development from 'resubmission of Application 19/1675 to build 2 additional floors with a rooftop farm, fence and garden lighting' to 'creation of nine self-contained flats (two x 2-bed, two x 1-bed and five x studios) involving the construction of three additional floors with a rooftop farm, boundary wall with metal railing, garden lighting, amenity space, secure cycle storage, and associated landscaping'.
3. This description has also been used by the appellant on the appeal form. I consider that the revised description represents a more concise summary of the proposed development and have therefore proceeded on this basis.

Main Issues

4. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area;
 - whether appropriate living conditions would be provided for the future occupiers of the development; and
 - the suitability of the site as a location for residential development.

Reasons

Character and appearance

5. The appeal site is in a predominantly commercial area. The surrounding area is therefore defined by the presence of a number of business units. Whilst these undertake a variety of activities and are constructed to different designs, these are generally constructed with relatively low heights. The appeal site is located close to the junction between Iron Bridge Close and Great Central Way. The site is also close to the North Circular Road.
6. The design of the proposed units of accommodation would be significantly taller than the adjoining commercial units. Whilst this means that a greater number of dwellings can be accommodated on the site, this is outweighed by the design of the proposed dwellings as it features few architectural details that would add interest to the form of the building. This means that the building would have a significant mass. Whilst I note that there are some set backs in the upper floors of the building, these are relatively small and would not result in a substantial reduction in the massing of the building.
7. Whilst I acknowledge that the surrounding commercial buildings are constructed from functional styles of architecture, these are less prominent than the appeal site. Accordingly, they do not have the same effect upon the character and appearance of the surrounding area. These factors mean that the proposed development would appear discordant.
8. In addition, the proposed development would be attached to existing commercial developments. These are constructed to a very different design and roof shape to the proposed residential development. This would be exacerbated by additional features such as balconies, which are a feature not present within the surrounding area in significant amounts. By reason of the proximity of the proposed residential development to the existing commercial properties is such that the proposed development would appear particularly incongruous.
9. These factors pose a concern as the owing to the positioning of the development in proximity to the junction between Iron Bridge Close and Great Central Way and close to the North Circular Road. The appeal site is also near to a railway line. These factors mean that the proposed development would be particularly prominent as it would be experienced by a potentially large number of people. In consequence, the proposed building would be particularly strident and therefore the incongruous effect of the development would be exacerbated.
10. The proposed development includes some landscaping. However, due to the scale of the building this does not overcome the adverse effects arising from its height and massing.
11. Whilst I note that there are some other buildings within the wider area that are of larger proportions, I have not been provided with details regarding their planning circumstances, which lessen the weight that I can attribute to them. Furthermore, they do not have the same degree of prominence as the appeal proposal would have. Accordingly, the presence of buildings elsewhere does not enable me to disregard my previous concerns.
12. Whilst the evidence before me indicates that the appeal site, and the surrounding area, is not the subject of any landscape designations. However,

the proposed development is notably different from many others within the surrounding area and, in considering this appeal, I have been directed towards planning policies that seek to ensure that developments do not erode the character of the surroundings of a site.

13. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development would therefore conflict with Policy DMP1 of the Brent Local Plan (2016) (the Local Plan); Policy CP17 of the Brent Core Strategy (2010) (the Core Strategy); Chapter 7 of the London Plan (2016) (the London Plan); 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; that the distinctive suburban character of Brent will be protected from inappropriate development; and respects the existing urban grain.

Living conditions

14. The proposed development would include nine additional flats, which would be occupied as separate households. By reason of the layout of the proposed development, several of the flats feature windows on a single elevation of the building. The surrounding land uses include commercial buildings, a railway line and busy roads.
15. By reason of the nature of the surrounding land uses and activities, a reasonably high level of background noise levels could be reasonably anticipated at some times. This would be particularly concerning should congestion occur in either Great Central Way, or the North Circular road as this would add to the level of background noise and potentially lead to an adverse effect on the level of air quality.
16. On account of the layout, occupiers of the proposed development would not necessarily be able to take action to mitigate the effects of these occurrences. This is because during periods of warm weather, it might not be possible, or desirable, to close windows within the flats. Therefore, such increased noise and the effects on air quality would prevent residents of the development from experiencing suitable living conditions.
17. Given that some of the flats feature windows on a single elevation only, residents of the development would not have the option of opening windows on another elevation in order to provide ventilation, or a passage of fresh air, without experiencing greater adverse effects from surrounding activities. Furthermore, other flats only feature a single additional window on a second elevation.
18. In consequence, this limited additional provision does not provide appropriate living conditions. Whilst there is a possibility that mechanical ventilation could be installed, some residents may prefer to open a window. This would limit the effectiveness of the mechanical ventilation.
19. The additional residents would have limited access to on site outdoors recreation space as the existing space would be shared between a greater number of people. Therefore, open windows might be required in order for residents to experience some fresh air within a reasonably private context. Although future residents would be aware of this factor when deciding whether

to reside at the development, there is a planning policy requirement that the occupiers of a proposal experience appropriate living conditions.

20. Although residents could access areas of public open space, the evidence before me indicates that the distances that would need to be travelled would render this option less convenient and therefore unlikely to represent a satisfactory alternative. The availability of access to other services would also not overcome this matter.
21. I note that permission has previously been granted to convert the existing building to residential dwellings. However, the form of the previously permitted development is different in that the presence of landscaping would provide some screening, which would not be available for residents on the upper floors of the proposed development. Accordingly, I do not believe that this point allows me to disregard my concerns.
22. I note that the occupiers of the proposed development would have appropriate levels of light and outlook. In addition, the proposed flats are of appropriate sizes. Although these are matters of note, these are only some of the matters that must be considered and therefore do not overcome my previous concerns.
23. I therefore conclude that the proposed development would not secure satisfactory living conditions for the future occupiers of the development. The development, in this regard, would conflict with Policies DMP1 and DMP19 of the Local Plan and Policy 3.5 of the London Plan. These, amongst other matters, seek to ensure developments do not unacceptably increase exposure to noise and dust; that sufficient private amenity space to meet the needs of occupiers is provided; and that housing developments should be of the highest quality internally and externally.

Suitability of the site

24. The appeal site is in a predominantly commercial area. Although, at the time of my site visit, the site was not being used for commercial purposes. Furthermore, the evidence before me is indicative that a prior approval has been granted to convert the existing building to flats and that this permission is in the process of being implemented. In consequence, the building does not appear to be in use for commercial purposes.
25. Therefore, there is a significant likelihood that the existing building would no longer be available for commercial occupiers owing to the notable fall back position. Whilst there appears to be a need for commercial sites within the locality, the fact that there is a fall-back position carries significant weight. I have no reason to believe that the previous permission is not capable of being fully implemented. Accordingly, there appears to be a realistic prospect that the commercial use of the site would be replaced by residential accommodation.
26. Whilst I acknowledge the proposed development features a greater number of dwellings than the previously permitted scheme, the proposal before me does not result in a greater incursion into the original commercial space within the building. Furthermore, the appeal scheme pertains to the provision of new floor space and would not result in the further erosion of commercial floor space within the vicinity. The evidence before me is not indicative that the

development before me would directly result in a loss of other commercial facilities nearby.

27. I note that there is a need to provide additional business accommodation within the Borough and that the proposal would provide an intensification of a non-business use. The nature of the appeal site and its planning history means that the appeal scheme would not result in any greater effects on the ability of the local economy to respond to current business needs. However, there is also a requirement within policies to increase housing supply.
28. My attention has been drawn to emerging planning policies. However, I am unable to give these policies full weight owing to the fact that they do not yet form part of the development plan. However, for the preceding reasons I have identified that the appeal site does not appear to be in use for commercial purposes. The evidence before me also does not indicate that, in the event of this appeal being unsuccessful that the use of the property would revert to commercial activities.
29. I therefore conclude that the appeal site represents a suitable location for a residential development. The development, in this regard would not conflict with the requirements of Policy DMP1 of the Local Plan; Policy CP20 of the Core Strategy; and Policy 2.17 of the London Plan. These, amongst other matters, seek to retain commercial sites for business purposes; that the developments do not result in the loss of buildings and sites for which there is a need; and should not compromise the effectiveness of these locations in accommodating industry.

Other Matter

30. I acknowledge concerns raised by the appellant in respect of pre-application advice given by the Council. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Planning Balance and Conclusion

31. Whilst I have concluded that the appeal site represents a suitable location for a residential development, this is outweighed by the adverse effects that would emanate on the character and appearance of the surrounding area and the lack of suitable living conditions for the future occupiers of the development. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR