



Appeal Decision

Site visit made on 29 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/T5150/W/20/3248086

7 and 8 Hillside Avenue, Wembley HA9 8DY

- 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 J Umeria against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/4551, dated 16 December 2019, was refused by notice dated 24 February 2020.
 - The development proposed is demolition of an existing pair of semi-detached dwellings and erection of a new single residential building housing eight dwellings with associated parking, bins and cycle provision and widen existing cross over.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided CGI images of the proposal. I am not aware whether or not these images were before the Council at the time of their decision. However, given their illustrative nature and that the detailed plans remain those that were considered by the Council, I consider no party would be prejudiced by me taking this information into account as part of my assessment.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on living conditions for occupiers of Nos 6 and 6A Hillside Avenue with particular regard to outlook; and
 - whether or not the proposal would give rise to inconvenience for road users on Hillside Avenue arising from additional demand for on-street parking.

Reasons

Character and appearance

4. Hillside Avenue is predominantly characterised by two-storey detached, semi-detached and terraced dwellings. There are a mix of styles but dwellings are generally of a similar scale and incorporate traditional design elements

including pitched roofs. The ridge levels of dwellings gradually step down due to the sloped topography of the street. The existing dwellings on the appeal site form part of a row of semi-detached dwellings with shared characteristics including front projecting bays.

5. The building would be set in from side boundaries and would retain a gradual step down in maximum height between the properties to either side. Even so, the contemporary flat roof design, with fenestration serving accommodation across four floors, means that the building would be perceived as being of significantly greater scale, bulk and density relative to neighbouring properties. Consequently, the development would appear incongruous within the street scene and out of keeping with the overriding more modest and traditional residential character of Hillside Avenue.
6. My attention has been drawn to a planning permission for flats at No 147 Wembley Hill Road. However, that particular site is located on a corner at the junction with Hillside Avenue. Therefore, the ability of that site to accommodate development of a different design and scale is not comparable to the appeal site and its position within the more linear pattern of similarly scaled dwellings on Hillside Avenue.
7. The appellant has also referred me to a flat roof building sited between semi-detached pitched roof buildings on Wembley Hill Road. I am not aware of the planning history of that particular site or the development plan in place when that development was approved. However, it does not persuade me that the proposal before me would positively respond to the characteristics of Hillside Avenue.
8. I conclude that the development would result in significant harm to the character and appearance of the area. In that regard, the development would conflict with Policy DMP1 (Development Management General Policy) of the London Borough of Brent Local Plan - Development Management Policies (2016) (LP) which amongst other things requires that development is of a layout, scale, type, density, materials, detailing and design that complements the locality.

Living conditions

9. The degree to which the building would be set in from the boundary with Nos 6 and 6A Hillside Avenue in combination with the position of neighbouring main habitable windows, would ensure any potential views of the development from neighbouring windows would be at a fairly oblique angle. Whilst the neighbouring property is set at a lower level to the appeal site, the rear elevation of the building would be three-storey with the top level recessed from the side and rear elevations. This would also assist in mitigating any potential overbearing impact. Any breach of the '1:2 Rule' guidance in the Brent Residential Extensions and Alterations Supplementary Planning Document 2 (2018) is likely to be marginal and does not in this instance convince me that there would be material harm to the living conditions of neighbouring occupiers.
10. I conclude that the development would have an acceptable relationship with the living conditions of Nos 6 and 6A with particular regard to outlook for neighbouring occupiers. The proposal therefore complies with those parts of Policy DMP1 (Development Management General Policy) of the LP and Policies

7.4 (Local Character) and 7.6 (Architecture) of the London Plan (2016) which seek to protect residential amenity.

Whether or not the proposal would give rise to inconvenience for road users

11. At the time of my site visit, on-street parking was prevalent and there were only very limited opportunities available for the parking of vehicles on the street. I accept that this only represents a snapshot of the parking situation on this road. The evidence before me also indicates that parking on Hillside Avenue is generally unrestricted other than on events days at Wembley Stadium. I have not been provided with any substantive evidence, for example in the form of survey data, to convince me that what I saw is not representative of the general parking conditions on Hillside Avenue. I am also mindful that there is the potential that there is even greater demand for on street spaces in the evenings and at weekends.
12. The development would increase the levels of accommodation on the site when compared with either the existing situation or the extant permissions at Nos 7 and 8 Hillside Avenue for a total of 6 self-contained flats. This has the potential to increase the number of occupants and visitors travelling to and from the site by private motor vehicle. The Council's Transportation consultee comments indicate that the maximum parking allowance on the site would rise to 10 spaces as a result of the development.
13. Even accounting for the Public Transport Accessibility Level (PTAL) rating of 3 and accessibility of the site to local services and facilities, only 2 off-street parking spaces would be provided. Without any substantive evidence to convince me otherwise, I am not persuaded that the level of parking proposed would ensure that the greater scale of the development above that already permitted on the site would not add to existing parking pressure on Hillside Avenue. The application of a condition removing rights to parking permits on a road that is generally unrestricted would not overcome this concern.
14. I conclude, the development would be likely to give rise to inconvenience for road users on Hillside Road arising from additional demand for on-street parking. The development would therefore conflict with Policy DMP12 (Parking) of the LP which amongst other things seeks to avoid development which adds to on-street parking demand on heavily parked streets.

Other Matters

15. The appellant contends that they were not made aware of any highway or parking objections prior to the planning application being determined. Even if this was the case, the Council was within its rights to include further reasons for refusal if it considered there were sufficient planning grounds. Furthermore, given the Council's other substantive concerns in respect of the design of the proposal and its relationship with neighbouring living conditions, making the appellant aware of this concern prior to determination of the planning application would have been unlikely to have resulted in a different overall decision.

Conclusion

16. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a

planning application conflicts with an up-to-date development plan permission should not usually be granted.

17. The provision of 8 dwellings would make a modest contribution towards the Council's housing requirements. The proposal would not result in material harm to neighbouring living conditions.
18. However, the dwelling would result in significant harm to the character and appearance of the area and would give rise to inconvenience for road users on Hillside Avenue. These are matters which attract significant weight and tip the balance firmly against the proposal.
19. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the up-to-date development plan. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR