



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: 22 October 2020

Appeal Ref: APP/T5150/W/20/3246543

Former Substation, Anson Road, Cricklewood NW2 6AD

- 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 Arrant Land Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3864, dated 28 October 2019, was refused by notice dated 7 January 2020.
 - The development proposed is demolition of existing substation and redevelopment of the site to provide 6 residential dwellings & associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions for occupiers of Nos 84, 86 and 88 Chichele Road with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is occupied by a former electrical substation and is situated within a predominantly residential area. The prevailing two-storey scale of residential properties on Anson Road is reflected in the row of semi-detached dwellings which face the site. These dwellings have shared characteristics including pitched roof forms, front projecting gables and traditional detailing. There are residential buildings of greater height on Chichele Road including those which turn the corner onto Anson Road. However, the site is set away from these buildings with their rear gardens forming a gap between the appeal site.
4. Limited spacing would be retained between the building footprint and the site boundaries. The front elevation of the building would be positioned relatively close to the boundary with the street when compared with the dwellings opposite the site. The fenestration to the front elevation to serve four floors of accommodation would increase the perception of scale when viewed from the street. The irregular shape of the roof with recessed glazed doors on the front elevation would appear particularly contrived and would emphasise the

intensive nature of the development. Consequently, the bulk, mass and scale of the development would appear cramped on the site. The development would appear at odds with the generally more modest and traditional appearance of dwellings on Anson Road which sit more comfortably within their curtilages.

5. My attention has been drawn to an extant planning permission for a residential building on the site which would be of a similar architectural style to the appeal proposal. In that instance the development would be smaller than the appeal proposal yet would still be likely to appear as a fairly intensive development given its size relative to the tight constraints of the site. For the reasons already set out, I am not persuaded that the greater scale of the appeal proposal could be accommodated on the site without detriment to the character and appearance of the street scene.
6. I conclude, the development would have a significantly harmful effect on the character and appearance of the area. In that regard, the development would conflict with Policies DMP1 (Development Management General Policy) of the London Borough of Brent Local Plan (2016) (LP), Policy CP17 (Protecting and Enhancing the Suburban Character of Brent) of the London Borough of Brent Core Strategy (2010) (CS) and Chapter 7 of the London Plan (2016) which amongst other things seek high quality design which complements the locality and confirm that out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable.

Living conditions for neighbouring occupiers

7. The building design sets parts of the upper floor side elevations away from the side boundary nearest to Nos 84, 86 and 88 Chichele Road. A hipped roof would also be provided to this side of the building. I have had regard to the guidance at Principle 5.1 of the Brent Design Guide SPD1 (2018) and acknowledge that the angles that would be achieved from windows serving these neighbouring properties would comply with the guidance. The evidence before me indicates that there would be a breach of the suggested 45-degree angle from rear gardens serving Nos 86 and 88 but that the breach would be towards the rear of these neighbouring gardens.
8. There would be a marked increase in terms of the bulk of the roof and the height and expanse of brickwork to the side of the building closest to these neighbouring properties when compared with the previously approved scheme on the site. Notwithstanding the relative angles, the composite bulk and mass of the building, would be likely to have an imposing presence, particularly for occupiers of No 86 given the building would sit in line with the full width of the rear boundary serving this neighbouring property. These factors persuade me that the development would be overbearing and would have a detrimental effect on outlook for the occupiers of No 86.
9. My attention has been drawn to other sites where the appellant suggests that the guidance in SPD1 has not been rigidly applied. I am not aware of the full details of those particular developments. In any case, the breach of the guidance identified is not the only factor in this case which persuades me that the development would dominate the means of outlook from No 86. The fact that the rear boundary of this property does not directly border the site does not alter my findings.

10. I conclude, the development would have a harmful effect on living conditions for occupiers of Nos 86 Chichele Road with particular regard to outlook. In that regard, the development would conflict with Policy DMP1 of the LP which amongst other things require developments to provide high levels of internal and external amenity.
11. The Council's decision also identifies conflict with London Plan Policy 3.5 (Quality and Design of Housing Developments) of the London Plan. Whilst this Policy does not specifically refer to matters relating to neighbouring living conditions, this does not diminish the conflict with Policy DMP1.

Other matter

12. I acknowledge that the development would re-use a previously developed site in a sustainable location. Even so, the existing planning permission on the site indicates that the site could already achieve this. This further persuades me that the harm identified is not justified.

Conclusion

13. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR