



Appeal Decision

Site visit made on 14 October 2020

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 02/11/2020

Appeal Ref: APP/T5150/W/20/3252503

54 Beverley Gardens Wembley HA9 9QZ

- 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 & Mrs Keles against the decision of the Council of the London Borough of Brent.
 - The application Ref: 20/0098 dated 3 January 2020, was refused by notice dated 17 March 2020.
 - The development proposed is first floor side extension raised above existing single storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) the effect of the proposed extension on the character and appearance of the Barn Hill Conservation Area, and
 - b) The effect of the proposed extension on the living conditions of the neighbours at No 52 Beverley Gardens, with particular regard to loss of outlook.

Reasons

Issue a) Character and Appearance

3. The appeal property is a semi-detached residential house on the east side of Beverley Gardens, within a predominantly residential area, and within the Barn Hill Conservation Area. The properties date from the inter-war period; the appeal property is one of the more modestly detailed examples and there are a number of house designs, including mock Tudor style houses.
4. There are a small number of two storey side extensions, including those drawn to my attention by the Appellant, but the prevailing character and appearance of the Conservation Area is of a unified pattern of well-spaced residential properties, with open gaps between the pairs of semi-detached properties, particularly at first floor and above. This spacing between properties together with the attractive hillside setting contributes to the significance of this designated heritage asset.

5. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas.
6. The existing house has a garage built up to the side boundary, directly adjoining the side garage to the neighbouring property at No 52 Beverley Gardens, albeit that the two garages are stepped in height, with the garage at the appeal property being lower than its neighbour, reflecting the slope of the land. The proposed first floor extension would be stepped back from the front of the property with the roof line lower than the main roof ridge. However, the extension would be built up to the side boundary with No 52.
7. I consider that the proposal to build up to the common boundary would result in the property as extended appearing cramped within its plot and it would also significantly encroach upon the existing open gap with the neighbouring property, at first floor level and above. I consider that this would be a poor design solution and in encroaching upon the open gap, it would detract from the significance of this designated heritage asset.
8. The proposal would therefore fail to preserve the character and appearance of the Barn Hill Conservation Area. This harm would conflict with the National Planning Policy Framework (Framework) and in particular Sections 12 and 16, Policies DMP1 and DMP7 of the Brent Development Management Policies 2016 and the guidance in the Barn Hill Conservation Area Design Guide (2013), all of which seek a high quality of design which respects and conserves heritage assets.
9. Paragraph 196 of the Framework sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal. No public benefits have been advanced although work on the proposal could lead to some small benefits to the local economy and would add to the provision of residential accommodation. Whilst the harm to the designated heritage assets of the Conservation Area would, in my view, be less than substantial, the public benefits would not be sufficient to outweigh that harm.

Issue b) Living Conditions

10. The Council's has also raised as a reason for refusal its concern regarding the loss of outlook and light to the neighbour's window at No 52 Beverley Gardens serving a kitchen at ground floor in the side elevation. I have been provided with very limited information in this regard.
11. Given the existing position with the existing garage wall, and the distance remaining between the window and the proposal, as well as the differing levels at the two properties, I am not persuaded that the harm to the living conditions of the neighbours would be sufficient to justify the withholding of planning permission on this issue alone. There would be no conflict with Policy DMP1 of the DMP, which amongst other things, seeks to ensure that new developments provide high levels of internal and external amenity.
12. The Council has also referred to Policy CP17 of the Brent Core Strategy (2010) but that appears to relate more to protecting and enhancing the suburban character of Brent, rather than being directly relevant to this issue. The reason

for refusal also refers to the Council's Supplementary Planning Document No 2 but this has not been provided to me.

13. However, my finding on this issue does not outweigh the harm I have already concluded under my first issue, in respect of the effect of the proposal on the character and appearance of the Barn Hill Conservation Area.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR