



Appeal Decision

Site visit made on 12 October 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 November 2020

Appeal Ref: APP/T5150/D/20/3252898

48 Bacon Lane, London NW9 9BA

- 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 Mrs Diptee Khan against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/0230, dated 23 January 2020, was refused by notice dated 3 April 2020.
 - The development proposed is "proposed side conservatory same as the pre-existing conservatory in size and materials".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of 48 Bacon Lane and whether the proposal would preserve or enhance the character or appearance of the Roe Green Village Conservation Area.

Reasons

4. 48 Bacon Lane is located within the Roe Green Village Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The significance of the CA is derived from the history of the village as well as from the coherent design and high quality of the dwellings which are built in the style of the Garden City and Arts and Crafts movements. The Roe Green Village Conservation Area Design Guide (2018) (the design guide) indicates that each property in the village is set in a substantial plot and that some have side rather than rear gardens. This spacious layout, along with the design and appearance of the dwellings, contributes to the character and appearance of the area.

6. The host property is a semi-detached red brick dwelling with a steeply pitched slate roof which is characteristic of the area. The building is modest in terms of its scale, is well proportioned and robust in terms of its appearance. To the side of the dwelling is a garden area with a vehicular entrance and driveway. The property, which lies in a prominent position at the edge of the conservation area, makes a positive contribution to the character of the CA.
7. The design guide seeks to resist side extensions within the CA as they would have a direct impact on the character of the original house, and the wider area. It is notable that throughout the estate side extensions are not a characteristic feature. The design guide also states that under no circumstances will a PVCu conservatory be considered acceptable.
8. The appeal documents do not specify the materials of the frame of the conservatory although I note that the base would be brick to match the existing house. Nevertheless, the proposed conservatory would be of a generic modern design with a shallow pitched roof and visually lightweight appearance, which would not reflect the architectural quality, style or robust character of the dwelling. In addition, the structure, which would have a disproportionately large footprint in relation to that of the original dwelling, would result in a significant disruption to the symmetry of the pair of properties. Moreover, it would project into the side garden and, whilst it would be partly screened by vegetation, it would be visible from within the public realm. In any event screening in itself cannot be used to justify inappropriate development.
9. At the time of the site visit, a pre existing conservatory, which I understand had been granted planning permission in 1990¹, had been demolished, with the base remaining. The fact that a conservatory existed at the site is a material consideration which I have taken into account. However, the approval of the conservatory was prior to the adoption of the design guide which sets out clear guidance in order to protect the special character of the area in perpetuity. Whilst I acknowledge the circumstances of the case, it is incumbent on me to determine the appeal in the light of the latest guidance and the duty to preserve or enhance the character and appearance of the Conservation Area as set out in the Act.
10. For the above reasons, the proposed development would neither preserve nor enhance the character or appearance of the CA and would harm its significance as a heritage asset. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with policies DMP1 and DMP7 of the London Borough of Brent Local Plan Development Management Policies (2016). Amongst other things, these seek to ensure that development preserves or enhances the character or appearance of Conservation Areas and contributes to local distinctiveness.
11. The works would affect only part of the CA and therefore in terms of the approach in the National Planning Policy Framework, the harm caused to its significance would be less than substantial. Paragraph 196 of the Framework requires that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, as in this case, that harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward. Accordingly, the proposal would also be

¹ Application ref: 82/1294

contrary to the requirements of the Framework which, at paragraph 193, requires that great weight should be given to the asset's conservation.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR