



Appeal Decision

Site Visit made on 10 November 2020

by R Sabu BA(Hons), BArch, MA, Pg Dip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2020

Appeal Ref: APP/T5150/W/20/3253803

Garage rear of 2 Dobree Avenue, Bryan Avenue, NW10 2AS

- 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 Jim Aikins against the decision of London Borough of Brent.
 - The application Ref 19/4000, dated 8 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is described as, 'demolition of existing single garage; Construction of single private dwelling comprising basement, ground floor and accommodation in pitched roof-space; External works; Change to existing highways crossover to pavement.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In the interests of certainty, I have used the name and address as confirmed by the appellant in the header above.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the street scene and surrounding area; and
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard for light and private amenity space.

Reasons

Character and appearance

4. The area surrounding the appeal site is characterised by two storey dwellings set in large plots such that the area has an attractive spacious feel. The appeal site is small in comparison and is currently occupied by a garage, which despite its unkempt appearance, is of a modest scale that does not detract from the spacious character of the area.
5. The proposal consists of a dwelling with accommodation at basement level, ground level and in the roof space on the first floor. As such its massing would be significantly greater than the existing garage and would project a significant distance above the boundary treatment with Bryan Avenue. Therefore, while I note that the scheme has been revised since the previous appeal decision,

given that this side of the road is otherwise characterised by another modest garage and the boundary fence of adjacent gardens, the proposal would appear prominent on the street scene. Whilst I recognise that soft landscaping may be introduced in the basement courtyards, these would not be visible from the street and would not soften the impact of the development.

6. The site is significantly smaller than the majority of plots in the area. In addition, the proposed dwelling would have modest front and rear private amenity spaces such that the dwelling would appear overly large for the plot. Given the spacious prevailing pattern of development, the scheme would harmfully detract from the character and appearance of the area and the scheme has not addressed the concerns of the previous Inspector.
7. As such, while I acknowledge that the area is not subject to designations such as Conservation Area, and that the flats opposite the site may have been later additions to the area than some of the larger detached dwellings, given that the dwelling to plot ratio would result in the site appearing cramped, these points have not altered my findings on this main issue.
8. Consequently, the proposed development would harm the character and appearance of the street scene and surrounding area. Therefore, it would conflict with Policy DMP1 of the Development Management Policies November 2016 (DMP) which, among other things, seeks development that complements the locality. It would also conflict with Policy CP 17 of the Core Strategy Adopted July 2010 (CS) which states, among other things, that infilling of plots with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable.

Living environment

9. The scheme would include two modest private amenity spaces to the front and rear of the site. Given that there would be three bedrooms, the dwelling could be occupied by a family. As such, from the evidence before me, the proposed area would fall significantly short of the requirement in DMP Policy DMP 19 for external private amenity space for family housing. Therefore, while I note that the internal spaces would be adequately sized, given the limited area of the external private areas and the potential number of future occupants, the proposed external amenity space would not be sufficient to meet the needs of future occupiers.
10. I acknowledge the Council's concerns regarding light. While I note the tall proposed walls, given that the kitchen and living areas would have large windows and their proximity to the boundary wall, I am persuaded that adequate levels of daylight would reach these spaces.
11. The proposal includes light wells, which given their depth would restrict the levels of daylight entering the bedrooms at basement level. However, since both bedrooms at basement level would be of a modest depth, have full height windows and given that future occupiers would be unlikely to spend significant parts of the day in these rooms, their living environment would not be unduly affect in this respect.
12. Consequently, the proposed development would not provide a suitable living environment for future occupants with particular regard for private amenity space. Therefore, it would conflict with DMP Policy DMP 1 which requires,

among other things, developments that provide high levels of external amenity. It would also conflict with DMP Policy DMP 19 which requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs.

13. Since the scheme would meet internal space standards, it would not conflict with DMP Policy DMP 18.

Other Matters

14. I acknowledge the evidence regarding the provision of a dwelling to the local housing supply, the sustainability of the location of the site, sustainable construction methods and the appellants willingness to accept a condition relating to boundary treatments and to contribute a one off Community Infrastructure Levy (CIL) fee. I also note that the proposal would allow the appellant and his family to live and work in the area. However, given the harm identified above, these matters have not altered my overall decision.
15. I acknowledge the precedents noted by the appellant and the comments of the Inspector for the case at Anson Road. However, limited further details are before me and the cases appear to be some distance from the appeal site. Therefore, I am unable to assess those schemes in comparison with the appeal. In any event, each case must be determined on its individual merits.

Conclusion

16. The appeal is dismissed.

R Sabu

INSPECTOR