



Appeal Decision

Site visit made on 28 September 2020 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/T5150/W/20/3247146

84 College Road, London NW10 5HL

- 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 Arran Coulson against the decision the Council of the London Borough of Brent.
 - The application Ref 19/2473, dated 10 July 2019, was refused by notice dated 16 September 2019.
 - The development proposed is demolition of the existing outbuilding and the erection of a single storey dwelling house with basement level, erection of a replacement 2.2m high brick boundary wall including gated access openings onto Leigh Gardens, associated landscaping, waste and cycle storage.
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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 Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for the future occupiers of the proposed dwelling, with particular regard to light, outlook, and private amenity space; and
 - the effect of the proposal on the living conditions of the occupiers of No 86 College Road, with particular regard to light and outlook.

Reasons for the Recommendation

Character and appearance

4. The character and appearance of the area is derived from the rows of traditionally designed terraced properties which appear to have been built around the same time and have a similar appearance to one another. Properties are set on distinct building lines and have a consistency and rhythm to their appearance. The arrangement of buildings and gardens tends to mean that there is an obvious gap between the back and side elevations of properties
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close to a road junction. The consistency in terms of plot sizes, buildings' scale and their siting in relation to the roads, as well as the type and height of boundary treatments, are features that make a positive contribution to the character and appearance of the area.

5. The appeal site, a two-storey end of terrace dwelling located on a corner plot at the junction of College Road with Leigh Gardens, reflects this pattern. It has a long garden, with a modest flat roofed outbuilding toward the end, sited immediately adjacent to the outbuilding of the neighbouring property. Given its position within the street scene, the southern side boundary treatment of the appeal property, which consists mainly of a timber fence, is a prominent feature. The pattern of development, including the boundary treatment, is mirrored directly opposite the appeal site, at No 82 College Road, except for the rear outbuilding.
6. The proposal seeks to replace the existing rear outbuilding with a dwelling which would front Leigh Gardens and would consist of a ground floor and basement. This would involve the division of the existing rear garden of No 84, to provide a separate, small plot for the proposed dwelling. A timber fence would mark the division between the plots. The existing boundary treatment would be replaced with a higher, brick boundary wall which would extend across the full southern elevation of the site, and would contain an access gate for the proposed dwelling.
7. The proposed dwelling, which would be contemporary in terms of its design and materials, would have the appearance of a single storey structure with an asymmetric pitched roof. Its plot size and overall scale would be significantly smaller than those of neighbouring properties. It would also be sited forward of the building line along Leigh Gardens. Accordingly, it would not reflect the layout or appearance of the terraced dwellings and would appear as an uncharacteristic element in the street scene.
8. Whilst I acknowledge that the building has been creatively designed to be of a modest scale, it would not be related functionally to No 84 and would not appear as an ancillary building to it, but rather would be read as an independent dwelling. It would thereby, as a result of its use as well as its increased size, have a greater impact on the characteristic open element of this part of the street scene than a domestic outbuilding. The introduction of a high, brick wall would further undermine the uniformity of the street scene, as it would be in a stark contrast with the existing, softer, boundary treatment found on Leigh Gardens.
9. My attention has been drawn to planning permissions relating to two properties on College Road which the appellant considers relevant, although only limited details have been provided. However, neither of these examples is for a dwelling and as such they are not directly comparable to the proposal before me.
10. Consequently, notwithstanding the history of the site, which indicates that part of what is currently the rear garden of No 84 was historically registered as freehold land, the proposal would fail to respect the established pattern of development and would appear out of keeping when viewed within the context of the terraced properties on College Road/Leigh Gardens.

11. Accordingly, I conclude that the proposal would adversely affect the established pattern of development, thus resulting in significant harm to the character and appearance of the area. Therefore, the development would be contrary to Policy CP17 of the London Borough of Brent Core Strategy 2010 (CS) and Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (LPDMP), which collectively require, amongst other things, that new developments have an appropriate siting, layout, scale and design that complement the locality.

Living conditions of future occupiers

12. Due to the constraints of the site, which include the size of the plot and its siting in relation to the neighbouring properties, the proposed openings consist of roof lights, full height glazing to the ground floor and a rectangular light well serving the basement. The proposed boundary treatment would consist of high timber fencing and brick walls, which due to the restricted size of the plot would be located in close proximity to the proposed openings.
13. An assessment of daylight within rooms have not been provided, although the property has been designed so that rooms would receive some light via the lightwell or rooflights as well as from the ground floor window openings. However, given the proximity and height of the boundary walls, outlook from the habitable rooms would be severely restricted. I am unconvinced therefore, based on the proposed layout of the dwelling, combined with the height of boundary treatment and the limited number of openings, that an adequate standard of internal amenity space for the future occupiers of the dwelling would be achieved.
14. I acknowledge that the gross internal area (GIA) exceeds the minimum standards outlined within the Draft London Plan. Whilst this may give the occupants a limited degree of flexibility in terms of how the space is used, it would not negate the harmful effects of the limited outlook and light which would provide an oppressive living environment.
15. Likewise, whilst the minimum standard of external amenity space might be achieved, when taking into account the subterranean light well, the quality of the external space is not only determined by its size. In this case, the boundary treatment would enclose the plot to such a degree that the overall scheme would fail to achieve the desired high level of external amenity. The location of the appeal site within close proximity to public open spaces does not justify the lack of adequate external amenity space for the proposed dwelling.
16. I acknowledge that aspects of the design reflect that of award-winning buildings elsewhere in London. However, I do not have all the details of those cases, or the circumstances in which they were granted permission, before me. I cannot therefore be sure that they are directly comparable. Moreover, I have considered the proposal on the basis of the site specific circumstances of this case.
17. Therefore, I conclude that the proposal would not provide satisfactory living conditions for the future occupiers of the proposed dwelling. Consequently, the development would be contrary to Policies DMP1, DMP18 and DMP19 of the LPDMP, which collectively require, amongst other things, that new developments provide high levels of internal and external amenity.

Living conditions of the neighbouring occupiers

18. The proposed dwelling would have a larger footprint and height than the existing outbuilding, which would bring it closer to the neighbouring dwelling No 86 College Road and would increase its visibility from the neighbouring property. The existing boundary treatment between Nos 84 and 86, which consists of a timber fence, trees and other vegetation, provides a good level of screening.
19. Given the distance and the boundary treatments between properties, I am satisfied that the proposal would not be overbearing or adversely affect the outlook of No 86, nor result in a sense of enclosure. Likewise, the levels of overshadowing would not be increased to a detrimental degree.
20. In light of the above, I conclude that the appeal development would not adversely affect the living conditions of the occupiers of the neighbouring property No 86, with regard to loss of light and outlook. Therefore, it would not conflict with Policy DMP1 of the LPDMP regarding the effect of new developments on the amenity area of neighbouring properties. Nevertheless, this does not negate the harm that the proposal would have on the character and appearance of the street scene and on the living conditions of the future occupiers.

Other matters

21. I note that there were no objections from neighbours. However, this does not lend positive weight to the development.
22. My attention has been drawn to a scheme¹ which is, at the time of writing this decision, under consideration before the Local Planning Authority. I have had regard to it, in so far as it relates to the appeal development.
23. I acknowledge that the proposal would provide an additional unit of housing within a residential area with good public transport links and this is a benefit of the scheme. In addition, I have had regard to the sustainability credentials of the proposal. However, these benefits do not outweigh the significant harm I have identified and do not therefore indicate that planning permission should be granted.

Recommendation

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

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

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

Susan Ashworth

¹ Application ref: 20/3042

INSPECTOR