



Appeal Decision

Site visit made on 29 December 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/T5150/W/20/3256322

7 Sudbury Hill Close, Wembley HA0 2QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Rakesh Sodha (Sudbury Hill Close Ltd) against the decision of the London Borough of Brent.
 - The application Ref 20/1419, dated 13 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is described as outline planning permission for the demolition of existing dwelling and erection of a new main building housing 8 dwellings and single storey 1 self-contained dwelling with associated parking, access, bin and cycle provision.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Local Planning Authority (LPA) in its Decision Notice and the appellant in its appeal form, describe the proposed development as for 'outline planning permission for demolition of existing dwelling and erection of a two storey building with converted roof space comprising 7 residential dwellings and a single storey building comprising 1 self-contained dwelling with associated parking, access, bin and cycle provision'. I have determined the appeal upon this basis as it more clearly describes the proposed development. The proposal is in outline with only appearance being reserved for subsequent approval.
3. Reference is made to the emerging London Plan 2019 (ELP). It has now been referred to the Secretary of State for approval but has not yet been published. In view of the stage which it has now reached, I afford it significant weight. Reference is also made to the emerging Brent Local Plan (EBLP), but as it has not yet been adopted, I only afford it limited weight.

Main Issues

4. The main issues are (i) the effect of the proposed single storey building upon the character and appearance of the area; (ii) whether the occupiers of the apartment block and the bungalow would be afforded acceptable privacy, and (iii) whether the proposed single storey building would have adequate refuse collection and emergency vehicle access facilities.

Reasons

Character and appearance

5. The appeal site includes a detached bungalow with a hipped roof and is a back-land location to the rear of the gardens in Sudbury Hill Close and Sudbury Court. There are apartments on land to the West. Access is from a driveway off Sudbury Hill Close.
6. The dwellings in the immediate area vary in their scale and form and include 3-storey flats, 2-storey detached dwellings and bungalows. An apartment development, St Francis Lodge, is located to the west of the site on a similar back-land alignment to the appeal site. The appeal site itself has a significant amount of mature landscaping, as do the adjoining gardens.
7. The proposed development is for the demolition of the existing bungalow and its replacement with a building for seven apartments plus a separate single storey dwelling.
8. There are two extant full permissions for an apartment block on the site. Full planning permission Ref 19/2423 was approved on the 2 September 2019 for the demolition of the existing dwelling and its replacement with a building comprising 7 self-contained units and associated works. Full planning permission Ref 20/2310 was approved on the 22 September 2020 for a building containing 8 flats plus associated works. The LPA in its officer report notes that the appealed apartment block is *'identical in its scale and appearance as the consented scheme 19/2423'*. The extant planning permissions for an apartment block provide a fall-back position which is a material planning consideration and to which I afford significant weight.
9. The proposed apartment block would be higher than the existing bungalow. However, the site has mature landscaping to its boundaries and the apartment block would not be prominent from public views. Whilst it would be seen from the gardens of adjoining properties, their gardens are long. I have noted there are now two extant permissions for such a development and to which I give significant weight. The appeal also reserves for future consideration *'appearance'*. I find that the proposed apartment block would not adversely affect the character of the area and that it would be possible in principle to ensure, at the reserve matters stage, that its appearance was appropriate to the surrounding area.
10. The proposed single storey dwelling would be situated within the same back-land site but would be limited in its scale and height. Several trees and hedges would be removed as part of the whole development, but the majority of these would result from the construction of the apartment block and for which there are extant permissions. It would be possible to ensure that the verdant and leafy character of the site were adequately maintained by the imposition of conditions relating to landscaping and tree protection. Furthermore, I consider that it would also be possible to ensure, at the reserved matters stage, that its appearance would not adversely affect the character or appearance of the area.
11. Therefore, I conclude that the proposed development would accord with policy CP17 of the Brent Core Strategy 2010 (CS) and policy DMP1 of the Brent Development Management Policies 2016 (DMP) which aim to preserve and complement the character of the locality. There would be some conflict with the

draft Brent Local Plan policy BH4 (DBLP) and with its compliance with policy H2 of the ELP relating to development on small sites with a high level of car dependency. However, I have not afforded full weight to these two draft plans and, in any event, there are extant planning permissions in place for much of the quantum of development on the site.

Privacy of future occupants

12. The distance between the proposed apartment block and the bungalow would be approximately 16.6 metres, whereas the Brent Residential Extensions and Alterations Supplementary Planning Document SPD2 (2018) (SPD) requires a minimum of 18.0 metres. The policy guidance refers to residential extensions and alterations rather than to new buildings, though I consider that it provides a useful guide when considering the latter.
13. There would be one secondary window and a door in the bungalow facing the apartment block. It would be possible to protect any harmful level of overlooking by the imposition of a condition requiring the secondary window to be obscure glazed and for the door to be a solid one. 'Appearance' is also a reserved matter.
14. Therefore, I conclude that while there would be some conflict with the general guidance contained in the SPD relating to the suitable minimum distances to provide adequate privacy, any such conflict could be fully mitigated by the imposition of conditions. Policy DMP1 of the DMP is not concerned with matters of privacy.

Refuse collection facilities and emergency services

15. Part H6 of the Building Regulations (2015) advises that the distance householders are required to carry refuse should not usually exceed 30 metres. However, Building Regulations are a separate matter to the planning considerations before me.
16. The Council's Waste and Recycling Storage and Collection Guidance for Residential properties 2015 (WCG) advises that communal storage areas for all multi occupancy accommodations of more than eight households should be sited so that residents are not required to carry non-recyclable waste and recyclable materials more than 30 metres from the front of the property (excluding vertical distances). However, the proposed development is not for more than eight households, either for multi occupancy accommodations, or indeed in total.
17. Policy DMP13, appendix 2 of the DMP relating to servicing in new developments does not relate to dwellings.
18. The extant permission ref 19/2423 for the apartment block was approved in the knowledge that the carrying distance by householders for refuse would be 53 metres. The carrying distance for the occupants of the proposed bungalow would be approximately 95 metres. However, this would not exceed any specified distance in any of the above planning policies which would apply in this case.
19. While the carrying distance would be considerable, it would be possible for any future occupier of the bungalow to temporarily store refuse outside of the property and to make less frequent trips to the communal storage area than

might be the case for occupiers of the upper storeys of the apartment block where such temporary storage opportunities might be more limited.

20. With regard to emergency services, the appellant considers that the use of hoses and sprinklers would mean that, in the case of a fire, the fire service could adequately deal with it from the road. A Fire Strategy report is included with the appeal but this only refers to the apartment block and not to the proposed bungalow. For its part, the LPA makes its own assessment when objecting to fire safety matters but I do not have before me the comments of the Fire Officer relating to this specific proposal and I cannot be certain that attending any possible fire from the road, rather than directly outside the property, would be an acceptable arrangement.
21. Therefore, I conclude that the development would not be contrary to policies DMP1 and DMP13 of the DMP or the Council's WCP in relation to waste storage. However, I cannot be sure that it would accord with ELP policy D12 relating to fire safety.

Other Matters

22. The proposed development would create additional homes in an accessible location, on a site which is already developed and would make effective use of the site at a suitable density. Construction employment would occur for a time and future occupants would use local facilities and services.
23. Provision would be made for the parking of vehicles and for the storage of cycles and the LPA raises no objections on these matters. These are, however, matters of overall neutral consequence in the planning balance.
24. Other large delivery vehicles would be unable to turn around within the site and this might increase the time that they might need to wait in Sudbury Hill Close, if they were not parked along the access to the proposed development. However, there are extant permissions for an apartment block of 7 and 8 dwellings. The appeal proposal would not significantly or adversely affect what has previously been approved by the LPA in this regard.
25. There is a protected tree in close proximity to the proposed bungalow. However, I have no information before me as to the possible impact of the development upon it. However, as I am dismissing the appeal, I do not need to pursue or consider this matter any further.
26. None of the other matters raised alter or outweigh my overall conclusions on the main issues.

Conclusion

27. I have found that the development as a whole need not cause harm to the character or appearance of the area or to the privacy of occupiers of the site, and that refuse collection facilities would be acceptable in this instance. However, I am unable to conclude that the proposed bungalow would have adequate access for emergency services. The latter matter is of overriding concern and therefore when the proposal is considered as a whole, I conclude that it should be dismissed.

Steven Hartley

INSPECTOR