



Appeal Decision

Site visit made on 20 October 2020

by Sarah Colebourne MA, MRTPI

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

Decision date: 12/01/2021

Appeal Ref: APP/T5150/W/20/3252955

St Nicholas Preparatory School, 22 Salmon Street, London, NW9 8PN

- 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 Inspired Learning Group against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3495, dated 1 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is described as a 'retrospective application for rear shed used as teaching space'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Council's decision describes the proposed development as the 'retention of rear outbuilding used as teaching space of private school and premises'. It is clear from what I have seen that the building has already been erected. The Council's description therefore describes the proposal more accurately and this forms the basis for my decision.
3. During the appeal process, the appellant has submitted amended plans showing the pre-existing context and as these only provide additional clarity I have taken them into consideration in my decision.
4. Two alternative proposals for the siting of the existing sheds have also been submitted. Option 1 would remove the smallest shed in the corner and relocate one of the larger existing sheds to that corner. I agree with the Council that this would not fall foul of the 'Wheatcroft' principles as it would only reduce the extent of development on site and would not materially change the proposal. Option 2 would relocate the two larger existing sheds to the rear corners of the garden, including the boundary with no 20. I agree with the Council that due to the proposed development on that boundary this option would warrant further consultation with the neighbouring occupiers. I have therefore considered the proposal on the basis of both the submitted scheme and the alternative scheme in option 1.

Main Issues

5. The main issues in this case are the effect of the proposed development on:-

- the character and appearance of the area;
- the living conditions of the neighbouring occupier/s at 24 Salmon Street.

Reasons

Character and appearance

6. The appeal property is a long-established school comprising a detached chalet style building which has been extended over time, built as a dwelling, which is located in a suburban, residential area of low density development. Surrounding dwellings are mostly of a similar period, built probably during the inter-war years and sited on large plots with generous rear gardens. Many have been remodelled or extended and have outbuildings in their rear gardens but these are generally sited at the end of the garden giving the area a spacious, open character with views across gardens in many cases with limited tree and shrub coverage.
7. The appeal building is a flat roofed, timber clad structure which is sited on a concrete plinth. It has a floor area of some 28 sq m and a height of almost 3m (including the plinth and according to the plans) and is located along the side boundary, a fence of some 1.8m in height, of the rear part of the property with its neighbour at no 24. It is currently sited within a row of three other sheds and replaces two previous sheds, all of which were erected without planning permission. Option 1 would remove the smallest shed in the corner and would relocate one of the larger sheds to that corner.
8. The appellant has not sought to claim that shed 3, the larger replaced shed, was lawful although there is some dispute between the parties regarding the lawfulness of the other existing buildings. Nonetheless, even if the existing sheds are lawful, both they and the replaced buildings are/were smaller in size both individually than the new outbuilding and cumulatively under the either of the proposed schemes, despite some of those sheds having similar ridge heights. Whilst the new building has an attractive, contemporary style similar to that of many garden buildings found in residential areas, its form, size and bulk make it more dominant than the existing and replaced buildings. The appellant argues that the difference between the proposed and previous arrangements is not significant in the context of the whole site. However, as the appellant's calculations include the main building and extensions, I am not persuaded that this argument carries much weight because those are not outbuildings and are in a different part of the site. The floorspace and volume of the proposal would therefore be significantly greater than in the previous context (excluding shed 3).
9. Although the site coverage would be a small percentage of the total rear site area and well below the 50% permitted development allowance for dwellings, that does not constitute a realistic fallback position because as a school, the property does not benefit from those rights which, in any case, are subject to other provisions. Furthermore, I saw no evidence that other properties in the area have utilised their permitted development rights to that extent and there is no compelling evidence to indicate that it is a realistic possibility in this area.

10. The new outbuilding, together with the existing/relocated sheds, would result in a significant amount of development along the side boundary with only two very small gaps between the structures. This would erode the gap and openness that would have existed before the replaced shed (shed 3) was erected and that is characteristic of the surrounding area. Although the new building cannot be seen from public viewpoints, it is clearly seen from several neighbouring properties. As such, by reason of its size and siting, I conclude that the proposal would have a significantly harmful impact on the character and appearance of the surrounding area.
11. Whilst I accept the appellant's point that the Council's SPD2 for Residential Extensions and Alterations is not particularly relevant, development plan policy CP17 in the Council's Core Strategy (CS) is relevant. It does not only relate to conservation areas and housing development in gardens but clearly states that *'development of garden space and infilling of plots with out of scale buildings that do not respect the settings of the existing dwellings will not be acceptable.'* The proposal would therefore be contrary to the Council's development plan policies CP17 in the CS and DMP1 in its Development Management Policies document which seek to ensure that proposals protect and enhance the suburban character of Brent and complement the locality.

Living conditions

12. The neighbouring property at no 24 has a large rear garden which is separated from the appeal site by a 1.8m high fence. No 24 has two patio areas, one adjacent to the house some distance from the outbuildings and elevated above the garden facing north east and the other in the corner of the garden adjacent to the part of the side boundary on which the new outbuilding is sited, facing south west. Given the orientation of the latter to the afternoon and evening sun, it is likely that it is the principal sitting out area for that property.
13. The new outbuilding extends above the fence height by almost 1.2m. Although the appellant's amended drawing PD01/B shows that it breaches the 45° line referred to in the Council's SPD1 Design Guide by only a small degree, given its length of 7.4m the impact on the nearby patio would be significant. There are a few small deciduous trees along that part of the boundary but they provide only limited screening. As such, the proposal has introduced a significant length of built development into what would have been an open gap before the previous shed 3 was erected. By reason of its height, length and siting, both by itself and cumulatively with the existing/relocated sheds, it would appear overly dominant when seen from that patio.
14. I conclude that this would harm the outlook of the neighbouring occupiers at 24 Salmon Street, thereby significantly harming their living conditions. The proposal would be contrary to the Council's development plan policy DMP1 in its Development Management Policies which seeks to provide high levels of external amenity.

Other matters

15. I have noted that other policies in the Council's development plan, the London Plan and the National Planning Policy Framework support proposals to extend and improve existing school facilities and that the appeal site lies in a sustainable location. However, I have noted that there is an undetermined proposal for further extensions at the school and am not persuaded that the

space required could not be provided in a more acceptable location elsewhere on the site. In any case, this matter does not override the harm that would be caused in terms of the main issues.

Conclusion

16. For the reasons given above, I find that the adverse impacts caused in terms of the main issues would significantly and demonstrably outweigh the benefits. There are no material considerations that justify determining the appeal otherwise and it should be dismissed.

Sarah Colebourne

Inspector