



Appeal Decision

Site visit made on 15 December 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/T5150/W/20/3257001

124 Purves Road, London NW10 5TB

- 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 Dave Shafier against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/0606, dated 21 February 2020, was refused by notice dated 6 May 2020.
 - The development proposed is a single family residential (2 bedroom, 3 people) dwelling to the rear of 124 Purves Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development also includes the formation of communal amenity space for 124 Purves Road. The Council have dealt with the proposal on this basis and so shall I.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide acceptable living conditions for future occupiers; and
 - The effect of the proposed development upon the living conditions of existing neighbouring occupiers with specific regard to outlook.

Reasons

Character and appearance

5. I have been made aware of the planning history for the site which includes planning permission¹ granted by the Council for the construction of a new dwelling in 2019.
6. The appeal site is formed of land to the rear of No 124 which is a purpose-built flatted development. An electrical substation sits between the site and a railway line. The site sits lower than College Road which runs along one side of it. The surrounding area has a tight urban grain largely defined by two storey terraced houses, relatively narrow streets and limited separation between properties.
7. I acknowledge that there would be limited space around the proposed dwelling. However, the site coverage would not be too dissimilar to the existing permission. Whilst its two-storey form would be evident from within the surrounding area taking into account the area's tight urban grain and the similar scale of surrounding buildings the proposed development would not appear as an unduly cramped or dominant feature. The use of materials and detailing sympathetic to buildings in the area would help to successfully integrate the proposed development into the area.
8. As such, I conclude that the proposed development would not adversely affect the character and appearance of the area. It would accord with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (2016) (DMP) which, amongst other things, requires developments to complement the locality in terms of siting, layout and design.
9. It would also accord with guidance contained within Supplementary Planning Document 1 – Brent Design Guide (2018) (SPD) which, amongst other things, requires development to respond to local context and respect the existing character of the streetscape.

Living conditions for future occupiers

10. The double bedroom would be served by obscure glazed full height windows. This arrangement would be unduly oppressive and would not provide future occupiers with satisfactory outlook resulting in unacceptable living conditions for future occupiers. Consequently, this would be contrary to DMP Policy 1 which, amongst other things, requires development to provide high levels of internal amenity.
11. Whilst the appellant has provided a revised plan showing an alternative window arrangement to the bedroom it has not been considered by the Council at application stage. In the interests of fairness, I must ensure that what is considered at appeal is what was considered by the Council and therefore I have not taken the revised plan into account.

Living conditions of existing neighbouring occupiers

12. I have paid regard to the existing planning permission. However, based on the information before me the proposed dwelling would extend closer to the boundary with 122 Purves Road. It would be taller and would have a larger first

¹ Planning application Ref: 18/3603

floor also. Its height would result in a breach of the 45-degree line when taken from the edge of the proposed amenity space for No 124. The proposed development would conflict with the Council's SPD.

13. I acknowledge that the proposed dwelling would be sited to the north of No 124's amenity space and that the existing electrical substation sits on the boundary with No 122. However, the overall height extending at length close to the boundaries would result in an increased sense of enclosure to the occupants of both No 122 and No 124, notwithstanding the open area between the buildings and College Road. It would result in a form of development which would appear oppressive and overbearing severely diminishing their living conditions. The raking form of the first floor would not overcome the harm that I have identified.
14. Whilst the proposed development would have a more pleasant appearance compared to the electrical substation and car park this would not outweigh the harm that I have identified in relation to this matter.
15. The appellant has suggested that the brick wall could be replaced with a timber fence. However, as the details are not before me I have not taken this into account in coming to my decision.
16. I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of neighbouring properties with particular regard to outlook contrary to DMP Policy 1 which, amongst other things, seek to ensure that development provides high levels of internal and external amenity. It would also be contrary to guidance in the SPD which requires development to ensure a good level of daylight, sunlight and outlook.

Other Matters

17. I acknowledge the appellant's intention to bring forward the proposed development and that it would contribute towards the supply of housing in the area on a brownfield site. I note the lack of objection in respect of overlooking and highway impact and that the proposal would include a green roof; comply with the Technical Housing Standards; provide dedicated refuse and recycling bins and communal amenity space for No 124 and is located within an accessible area and may reduce incidents of crime, anti-social behaviour and fly-tipping. However, these factors would not outweigh the harm that I have identified.

Conclusion

18. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR