



Appeal Decision

Site visit made on 26 January 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2021

Appeal Ref: APP/T5150/W/20/3260248

St Christopher's School, 71 Wembley Park Drive, Wembley, HA9 8HE

- 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 20/0414, dated 31 January 2020, was refused by notice dated 2 April 2020.
 - The development proposed is a proposed replacement ancillary building to rear of St Christopher's school play area.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed replacement ancillary building to rear of St Christopher's school play area at St Christopher's School, 71 Wembley Park Drive, Wembley, HA9 8HE in accordance with the terms of the application, Ref 20/0414, dated 31 January 2020 subject to the conditions in the schedule attached to this decision.

Main Issues

2. The main issues are the effect of the proposal on i) the living conditions of occupiers of neighbouring properties with specific regard to any overbearing and enclosing effect, and ii) the character and appearance of the area with regard to the existing trees.

Reasons

Living conditions

3. The site for the proposed replacement ancillary building is in the far corner of what was originally a large, long rear-garden, but which is now the outdoor play space for the St Christopher's School. Surrounding properties have similar length and size rear gardens.
4. The proposal would be slightly taller than both the building it replaces and the other building which is to be retained. It would also be taller than the boundary fence and trellis, but not significantly so. In any event, any increased impact of the proposal over the building it replaces would be mitigated by the boundary treatment, as well as the trees to the rear, side and within the site itself, all of which would reduce the visibility and prominence of the proposal. As a result, I do not consider that the proposal or its effects would be overbearing or enclosing, nor would its scale be inappropriate or excessive.

5. I note that the Council has assessed the proposal against their Residential Extensions Design Guide SPD and concluded that it is unacceptable in principle against its criteria. However, the proposal is not a residential extension, and in any event, given the location, scale and relationship of the proposal to its surroundings, I do not find that it would be overbearing, enclosing, inappropriate or excessive.
6. The proposal would not therefore cause any harm to the living conditions of occupiers of neighbouring properties with specific regard to any overbearing and enclosing effect. It would therefore comply with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies November 2016 (the LP), which seeks, amongst other things, to ensure that development provides and protects amenity and is appropriate for its location. Policy DMP18 of the LP, which relates to residential outbuildings, is not relevant to this decision.

Trees

7. Further to the decision of the Council, the appellant has produced an Arboricultural Report which demonstrates that the proposal could be implemented without harm to the trees on the site. As this report relates specifically to the reason for refusal of the application, I am satisfied that it is appropriate to consider, and that no prejudice arises as a result of me doing so. The proposal would therefore, subject to the mitigation proposed in the report, not cause loss or damage to the existing trees, sufficient to harm the character and appearance of the area. The proposal would therefore comply with Policy DMP1 of the LP, which seeks, amongst other things to ensure that development provides and protects amenity.

Conditions

8. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2), in order to ensure the satisfactory appearance of the completed development. I have also imposed a condition requiring development in accordance with the mitigation identified in the Arboricultural Report (3).
9. Condition 2 refers to the drawing numbers originally submitted by the appellant, on which the decision was taken. The updated drawings submitted with the appeal do not change the proposal, merely add dimensions for clarity. The conditions meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed, and planning permission granted.

S Dean

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. That the development hereby permitted shall be carried out in accordance with the following approved plans and the material details specified thereon:
3341 PD01, 3341 PD02.
3. That the development hereby permitted shall be carried out in accordance with the methods and mitigation set out in the Artemis Tree Services Arboricultural Report, dated 19 February 2020.

End of schedule of conditions