
Appeal Decision

Site visit made on 19 January 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2021

Appeal Ref: APP/T5150/W/20/3255862

15 Grendon Gardens, Wembley HA9 9NE

- 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 Zaid Shalchi against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/1451, dated 15 May 2020, was refused by notice dated 3 July 2020.
 - The development proposed is dwelling to side of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for dwelling to side of existing dwelling at 15 Grendon Gardens, Wembley HA9 9NE in accordance with the terms of the application Ref 20/1451, dated 15 May 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. The Council's Decision Notice refers to Policies from the emerging Brent Draft Local Plan 2020 (BDLP). In accordance with paragraph 48 of the National Planning Policy Framework (the Framework) weight may be given to emerging policies subject to the extent of unresolved objections. There is no substantive evidence before me which allows me to make this judgement and as the examination of the BDLP has not yet concluded, I give these policies in the emerging Development Plan limited weight as a material consideration.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area having particular regard to the site's location within the Barn Hill Conservation Area and (ii) highway safety.

Reasons

Character and appearance

4. The appeal property is a two storey detached dwelling situated on a corner plot at the junction of Grendon Gardens and Barn Rise. It is located in a mature well-established residential area, typically characterised by detached and semi-detached properties set back from the road behind a front garden/driveway.
5. The appeal site lies within the Barn Hill Conservation Area (CA), which is a distinctive residential area, where an Article 4 Direction applies. Its special

character is derived from this hillside location and the architectural quality of the largely mock-Tudor houses built in the inter-war period. Houses at crossroads are designed and detailed to be part of the wider streetscape with decorative chimneys and elevations of individual houses contributing to the setting of the junctions and is acknowledged in the Council's Design Guide for the Barn Hill CA¹.

6. The appeal property with its distinctive mock-Tudor timbering, white render, two storey projecting gabled bay, decorative chimney breast and hipped roof reflects common features found in the area and those situated close to a crossroad in the CA. Although there is some variation in the scale and form of the surrounding properties, these distinctive architectural features on the houses make a positive contribution to the character of the CA. The significance of these buildings to the CA can be readily appreciated within the immediate vicinity of the site.
7. The proposal would entail the construction of a two storey dwelling that would project out by about 5.5m from the side elevation of the property with a decorative chimney breast and would be set in from the roadside boundary running alongside the property. It would be set back from the front elevation with a double projecting bay window and would be constructed with a hipped pitched roof that would be stepped down below the ridge line of the main property. The external finish of the dwelling would be predominantly constructed from white render with mock-Tudor timbering.
8. The appeal property is on a relatively spacious plot and as such the proposed dwelling would not appear overlarge, relative to the overall plot size. Given the site's location, the proposed dwelling would only be visible over short distances when passing the site. The scale and form of the existing and proposed dwelling, set together and alongside each other, would be seen in the context of the surrounding large two storey detached properties, including the large and elongated two storey detached house with double projecting gabled bays at No. 3 Barn Rise on the opposite corner set close to the roadside boundaries. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.
9. Against this backdrop, the scale, form and design of the proposed dwelling, set back and stepped down, would not appear significantly out of place or excessive in relation to the built form of the appeal property and the adjacent properties. The modest overall scale and proportions of the proposed dwelling, together with the use of matching materials, fenestrations and decorative detailing would ensure the proposal would sit relatively unobtrusively against the two storey form of the main property. The proposed dwelling would therefore achieve an appropriate degree of subordination to the appeal property and as such would not detract from the architectural integrity of the host property and would limit any significant adverse impacts on the street scene.
10. Given the location of the appeal property within the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. The proposed enlargement of the existing rear

¹ Paragraph 1.1 of the Council's Barn Hill Conservation Area Design Guide 2013

parking area and the removal of some of the trees and vegetation from the rear of the site could have a potential negative impact on the area.

11. However, the current disused garage and parking area at the rear of the site does not make a positive contribution to the appearance of the CA and I am mindful that Council's Tree Officer has raised no objection to the proposal, subject to appropriate tree protection and mitigation measures. These measures supplemented by an appropriate landscaping scheme would ensure survival of the retained trees and provide an opportunity to enhance the existing landscaping on the site. I therefore consider overall that the appeal scheme, by virtue of its scale, layout and design, would have a neutral material impact and would preserve the character and appearance of the CA.
12. Consequently, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area, including the Barn Hill Conservation Area. It would be consistent with the overall design and conservation aims of Policy DMP7 of the Brent Development Management Policies Local Plan 2016 (DMP) and the Council's Barn Hill Conservation Area Design Guide 2013. This policy and guidance, amongst other things, seek to ensure that new development demonstrates a high quality design that protects and contributes to the special character and local distinctiveness of the area; and sustains and enhances the significance of the heritage asset and its settings. It would also accord with the Framework that seeks to ensure that developments are of high quality that are sympathetic to the local character (paragraph 127) and sustain and enhance the significance of heritage assets (paragraph 192).

Highway Safety

13. The proposal would involve the enlargement of the existing disused parking area to provide one additional parking space at the rear of the site with vehicular access via an existing crossover onto Barn Rise. The local residential road in the vicinity of the access has a straight and relatively wide alignment with a grass verge, public footpath, on-street parking spaces and double yellow lines across the access and on the opposite side of Barn Rise.
14. The Local Highway Authority has raised concerns regarding the access arrangements and the potential conflicts with pedestrian safety. Paragraph 108 of the Framework states that decisions should take into account whether safe and suitable access to the site can be achieved for all users. Paragraph 109 of the Framework goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
15. From the evidence provided and from my observations on site, I consider that this section of Barn Rise is sufficiently safe and suitable to cater for the limited traffic movements from the existing and proposed dwellings. Due to the current configuration of the site and the proposed access arrangements, vehicles moving into and out of the site would be travelling and manoeuvring at low speeds. The current road conditions on the straight section of this residential road allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians. The boundary treatment details associated with the parking area can be dealt with through an appropriate planning condition.

16. Consequently, I conclude that the proposed development would not have an adverse effect on highway safety. The proposal would be consistent with Policy DMP12 of the DMP that seeks to manage the impact of parking and ensure that additional parking provision should not have negative impacts on existing parking, highways, other forms of movement or the environment.

Other Matters

17. I have noted the other development in the area drawn to my attention by the Council. However, the appeal decision for a dwelling dismissed at No. 35 Barn Rise² has different development and locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal.
18. I have taken into the account the objections raised by third parties to the proposal. These include the impact on the character of the area and CA, overdevelopment, trees and green space, highway safety, the parking and access arrangements, the impact on on-site parking spaces and local shops and the site boundary on Barn Rise shown on the submitted plans. However, I have addressed the matters relating to the area's character and appearance including the CA, highway safety and parking in the issues above. The Council's Tree Officer has raised no objections to the proposal as set out above and the other matters raised did not form part of the Council's reasons for refusal.
19. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

20. Having regard to the Framework and in particular paragraph 55, I have considered the conditions based on those suggested by the Council and the appellant. In addition to the standard time limit conditions, I have specified the approved plans as this provides certainty. Those conditions relating to the samples and detailing of the external materials, hard and soft landscaping, boundary treatment and a construction management statement are necessary in order to safeguard the amenities of the nearby residents and the character and appearance of the area. A condition relating to the parking is necessary in the interests of highway safety. A condition relating to the protection of the trees and the submission of an Arboricultural Method Statement is necessary in order to ensure their survival and to protect the visual amenity of the trees.

Conclusion

21. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

² APP/T5150/W/19/3240911

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and particulars: PD 201 Rev A; PD 202 Rev A, PD 203 and PD 204 Rev A.
- 3) Details of materials for all external work, including samples which shall be made available for viewing on site or within another location as agreed, shall be submitted to and approved in writing by the Local Planning Authority before any above ground level works are commenced (excluding demolition). The work shall be carried out in accordance with the approved details.
- 4) Details of hard and soft landscape works of the areas so identified on the approved plans shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The approved details shall be carried out in full prior to occupation of the buildings and thereafter maintained in accordance with the approved scheme. The scheme shall indicate:
 - details of existing and proposed ground levels throughout the site;
 - soft landscaping including plant sizes and species and densities of planting for plants and shrubs;
 - tree planting to replace any trees removed;
 - details of materials to be used for areas of hard surfacing;
 - details of boundary treatment including materials;
 - landscape management plan showing requirements for the ongoing maintenance of hard and soft landscaping.

Any trees, shrubs and plants planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased, shall be replaced by trees and shrubs and plants of similar species and size to those originally planted.
- 5) Prior to the commencement of the development hereby permitted, an Arboricultural Method Statement according to BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), appropriate and specific to the approved scheme, shall be submitted to and agreed in writing by the Local Planning Authority, to include details of all works within the root protection area of any retained trees. Details shall include specification, construction methodology and sequencing of works for no-dig surfacing, methodology for demolition and removal of existing buildings, and manual/mechanical excavation within root protection areas including the protection/treatment of any roots encountered. Thereafter, all works shall be carried out and constructed in accordance with the approved details.
- 6) Prior to the commencement of the development hereby permitted, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority, outlining measures that will be taken to control dust, noise and other environmental impacts of the

development. The measures set out within the approved document shall be complied with during the construction of the development.

- 7) The proposed parking spaces shall be provided prior to occupation of the development hereby approved and retained thereafter for the parking of motor vehicles in connection with the approved development.