



Appeal Decision

Site Visit made on 10 February 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/T5150/W/20/3261056

Garage to the rear of 14 Sylvester Road, Wembley, London HA0 3AG

- 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 Michael Moss against the decision of London Borough of Brent.
 - The application Ref 20/1688, dated 5 June 2020, was refused by notice dated 7 August 2020.
 - The development proposed is demolition of existing double garage and construction of new one-bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has also referred to the emerging London and Brent Plans in the decision notice. Given the stage they are at in their preparation I have given significant weight to both plans.

Main Issue

3. The main issue is the effect of the development on the living conditions of future occupants, with particular regard to private amenity space, sunlight and outlook.

Reasons

4. The appeal relates to a detached double garage located at the end of the garden of 14 Sylvester Road. The site therefore fronts onto Pettsgrove Avenue. There have been two other relatively recent dismissed appeals for similar forms of development on this site. I have regard to these decisions where appropriate.
5. The site is extremely constrained in scale. The dwelling would take up much of the limited space available and extend up to the boundary of the site to either side. Two small areas of amenity space would be provided to the front and rear of the building.
6. The one to the rear would constitute a corridor between the building and a 1.8 metre timber fence. This would be a narrow and dark space that would not provide a pleasant or functional space for future occupants. The previous Inspector likened this area to an alley and there is nothing before me that would lead me to a different conclusion.

7. Much of the space to the front would be taken up with parking for cars and cycles and refuse storage. This would leave a somewhat perfunctory area of gravel and landscaping. While this area would receive acceptable levels of sunlight, it would be near to the roadside and in an exposed position. Even with the boundary wall, this would not provide a pleasant area to sit out. Neither would it provide a space for such things as drying clothes or any outdoor storage other than for refuse.
8. I have seen nothing therefore that would lead me to a different conclusion to the previous Inspector with regard to these spaces. Even if the spaces met the minimum quantitative requirements, not all of this would have any functional or practical use and would be of a poor quality that would not meet the basic expectations of future occupants. The previous Inspector did not consider these spaces would provide an acceptable standard of amenity space. In this regard, nothing has changed since the last appeal.
9. The design of this proposal differs to the last through the incorporation of a first-floor balcony at the front of the dwelling. A balcony was included in the first appeal proposal, but not the second. This would provide a relatively small amount of additional 'outdoor' amenity space. The appellant has drawn my attention to the previous Inspector's conclusion that a balcony would have been "a much more desirable space to sit out" than what was being provided.
10. However, I do not read this passage in the same way as the appellant. Nowhere in that decision does the Inspector suggest that a balcony would have made that proposal acceptable or that a balcony would ensure different proposals, such as the one before me, would be acceptable in principle. Rather, I consider this to be a simple statement of fact highlighting the substandard nature of the outdoor amenity space in the proposal before him and a difference between the first and second proposals. Considering the Inspector's conclusions about the amenity space proposed, it is not surprising that a balcony might be seen as an improvement over the alternatives.
11. Nevertheless, this does not mean that the development would provide an acceptable amount or quality of amenity space. Although at a higher position and further back from the roadside, the location of the balcony at the front of the dwelling would still feel exposed and would not provide a high degree of privacy. The outlook from the balcony would be across the roof of the ground floor and the forecourt and out onto the road and dwellings opposite. This would not be particularly attractive or welcoming. The space itself would also be enclosed on three sides and be mainly under the eaves of the roof. It may not therefore have the same effect as sitting fully outside.
12. While this space might still be more pleasant place to sit out than the alternatives, it would not mitigate the overall deficiency in the usable and functional amenity space available. On this basis, I find that the development would not provide sufficient amenity space to meet the expectations or needs of future occupants.
13. The rear ground floor elevation would include one large set of sliding doors. These would be the only source of light for the main habitable space and would open onto the narrow area of space discussed above. This would differ to the previous proposal which had a window on the front elevation. The two proposals are not entirely comparable and overall living conditions would be different.

14. The development would provide an extremely constrained and overbearing outlook to the rear, with only a short distance between the doors and the high timber fence. This narrow, dark space would result in an unwelcome sense of enclosure and confinement in the main habitable space. This would tangibly diminish the enjoyment of this space to the detriment of living conditions.
15. The orientation of the house would also be such that the living room or kitchen would be unlikely to receive a great deal of direct sunlight during large parts of the day. Although the doors would provide a relatively large area of glazing, the narrow space and high fence to the rear may also have a detrimental impact on levels of daylight. Without any substantive evidence to the contrary, I am concerned that this could lead to a somewhat gloomy environment. Combined with the constrained and overbearing outlook described above, this only adds to my concerns about the quality of the living environment.
16. Rather than the internal arrangements being necessary for security or privacy, the limitations of the development are more likely to be the direct result of the constrained nature of the site. This has resulted in a contrived approach to the design that would lead to clear deficiencies in the quality of the internal and external spaces. The provision of a balcony would also clearly not resolve the issues relating to light and outlook from the kitchen and living room.
17. Taking all the above into account, I am not persuaded that the development would provide a satisfactory living environment. This would result in material harm to the living conditions of future occupants. Accordingly, there would be conflict with Policy 3.5 of the London Plan (2016), policies DMP1 and DMP19 of the Brent Development Management Policies document (2016), Policy D6 of the emerging London Plan and Policy BH13 of the Draft Brent Local Plan. These seek, amongst other things, to ensure development provides good standards of amenity for future occupants of development.

Other Matters

18. The development would make efficient use of a brownfield site in a sustainable location. It would add one dwelling to the housing land supply, providing associated economic and social benefits, including in relation to Community Infrastructure Levy, additional expenditure and support for local shops and services and investment in construction. In environmental terms, the development would be in a location accessible to public transport and provide storage for cycles.
19. However, one dwelling would make a very limited contribution to the overall level of need for housing in Brent or the requirement for development on small sites. I have therefore given only moderate weight to these factors. However, there is nothing in local or national policy to suggest housing need should be met at the expense of a poor-quality living environment. In addition, all housing should be in sustainable locations and provide such things as cycle parking to facilitate alternatives to the car. The benefits of the development in this regard are therefore also extremely limited. Overall, the benefits of the development are insufficient to outweigh the harm identified.
20. The Council found no harm in relation to the character and appearance of the area, the living conditions of neighbours or highway safety. It also found that the dwelling would provide sufficient internal living space and that the outlook from the first floor would be acceptable. Given my findings above, these are

not matters to which I need give further consideration. However, a lack of harm in these respects would be neutral and weigh neither for nor against the development. Thus, these do not alter my conclusions.

21. There would be also be no improvement in the quality of the built environment as a result of the development, including from the small amount of landscaping proposed. This does not weigh in favour of the proposal.
22. Having regard to all these factors, I find that there are no material considerations that would outweigh the harm caused or lead me to a decision other than in accordance with the development plan in this case.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR