
Appeal Decision

Site visit made on 5 January 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/T5150/W/20/3257253

5J Nicoll Road, London NW10 9AX

- 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 Andrew Bacon, Berrien Springs Investments Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3337, dated 17 September 2019, was refused by notice dated 22 June 2020.
 - The development proposed is erection of single storey ground floor extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision notice refers to a policy from the London Plan (2016). The London Plan (2016) has recently been replaced by the new London Plan (2021) and is therefore not relevant in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of neighbours, highway safety and the character and appearance of the area.

Reasons

Living conditions

4. The host building comprises 4 storeys plus basement and has planning permission for Use Class C1 (Hotel). The proposed extension would provide a communal space to supplement existing facilities for residents of the hotel. This extension would largely utilise and infill an existing area to the west of the host building, which is presently used for bin storage, bicycle parking and general servicing and circulation.
5. As a consequence of the proposed layout, the new extension would be to the east of and close to a pair of semi-detached properties along Nicoll Road which are subdivided into flats and include an outdoor amenity space. This amenity space is on lower ground relative to the area proposed for the extension and along with the rear facing ground floor windows of these flats, it is largely enclosed by a combination of existing fencing and planting. The new extension would not be appreciably taller than the existing boundary treatments and would be afforded some separation from them. Consequently, the proposed arrangement would not have any unacceptable enclosing or dominating effect on the adjoining

properties, over and above the extant situation. The existing arrangement would also mitigate against any unacceptable overlooking and loss of privacy for the occupiers of the adjoining flats.

6. Nevertheless, the use of the proposed building in association with a sizeable, 126-room hotel, would generate a degree of additional activity and associated noise and disturbance. Such activity would be concentrated and in proximity of the aforementioned properties and outdoor amenity space. In particular, the elevation of the proposed extension which would face the rear of the adjoining properties includes a number of large glazed openings, which when opened for ventilation would exacerbate noise and disturbance. Although it has been suggested that these matters could be addressed through conditions, no such conditions are before me to consider. As such, without appropriate mitigation the proposal would unacceptably expose occupiers of nearby dwellings to noise and disturbance.
7. To facilitate the proposed extension, the existing refuse and recycling area would be relocated closer to windows serving existing dwellings, in particular along the side of 3b Nicoll Road. The relocated refuse and recycling storage area would be screened from this flank elevation by a new fence. Nonetheless, any fencing which would effectively screen this area, because of its height and proximity would also have an enclosing and overbearing effect on a ground floor window along this flank elevation. Moreover, the activity associated with the use of the refuse and recycling area, serving a sizeable hotel would generate significant levels of noise and disturbance in proximity of 3b Nicoll Road. It has also not been clearly shown how any smells emanating from the proposed refuse and recycling area would be managed.
8. For the above reasons, the proposal would intensify the level of activity associated with the hotel use, near to existing dwellings. This would unacceptably harm the living conditions of neighbours, contrary to DMP Policy DMP1 of the Council's Development Management Policies ('DMP'). This Policy, along with other matters, requires that new developments provide high levels of amenity and do not unacceptably increase exposure to noise, smells, light, other forms of pollution and general disturbance.

Highway safety

9. The location for the proposed extension was originally intended for coach parking and refuse removal. The appellant asserts that there is no demand for coach parking as the majority of residents arrive by foot via public transport or smaller vehicles such as taxis and mini vans. Also, that refuse is collected via kerbside collections from Nicoll Road. I have no substantive evidence to dispute these assertions or that this is a car free development.
10. However, vehicles associated with the management and maintenance functions of the hotel still access the site. Given the sizeable scale of the hotel, I have not been given any strong reasons to conclude that vehicles to meet the operational needs of the hotel are not in regular attendance at the site.
11. Furthermore, although the appellant has provided tracking information for a large car and transit van accessing and leaving the site, this does not show that there would be sufficient space within the site for such vehicles to manoeuvre safely in and out of the site in a forward gear. Consequently, the proposal would result in the reduction of the service yard necessary for the operational needs of the

extant hotel use, including the ability for vehicles to enter and exit the site safely. In particular, vehicles reversing from the site would create a potential point of congestion and conflict between vehicles leaving the site and other highway users including motorists, pedestrians, and cyclists.

12. For the above reasons, the proposal would be contrary to Policy DMP 1 of the DMP which requires that all developments are satisfactory in terms of means of access for all, parking, manoeuvring, servicing and do not have an adverse impact on the movement network. I also find conflict with Policy DMP13 of the DMP, which says that the loss of existing servicing will be resisted where it is still required to meet operational needs.

Character and appearance

13. Due to its single-storey and flat roof design, the proposed extension would be modest in scale relative to the host building and would assimilate with its appearance by incorporating similar external finishes. The extension would also achieve a degree of separation from other nearby buildings, resulting in some space about it and would therefore not appear unduly cramped in views from within the site.
14. Being set-back from Nicoll Road and located to the rear of existing properties along this road, the proposed extension would not be particularly visible from the public domain. Although views of the extension would be available from the upper floors of neighbouring buildings, these would be mainly onto its green roof which would offer an acceptable outlook.
15. For the above reasons, the proposal would not harm the appearance of the area. However, in considering the effects of a development on an area, Policy DMP 1 of DMP, requires that it is of a design that provides high levels of internal and external amenity and complements the locality. Based on my findings in respect of the effects of the proposal on the living conditions of neighbours and highway safety, that is not the case here.
16. Consequently, the proposal would adversely affect how the hotel functions in relation to its surroundings and would therefore harm the character of the area. This would be in direct conflict with Policy DMP1 of the DMP and Policy CP17 of the Council's Core Strategy, which requires proposals to respect the settings of existing dwellings.

Other Matters

17. I am aware that the scale of the proposed extension was reduced during the planning application process and that it would deliver improved facilities for the patrons of the hotel. Nonetheless, these factors and any associated benefits, do not outweigh the harm I have identified and conflict with the development plan.

Conclusion

18. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR