



Appeal Decision

Site visit made on 21 April 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/T5150/W/20/3261629

Land rear of Kenwyn Court, Kenwyn Drive, London, NW2 7NS

- 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 T Atkinson against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/1679, dated 10 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is described as 'construction of single storey detached dwelling with associated parking, garden space'.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision describes the proposal as 'partial excavation of land to rear of Kenwyn Court to facilitate the erection of a single storey detached dwelling, creation of a new entrance from existing pathway and provision of car parking, cycle and waste storage' and as this describes the proposal in more detail I have used this as the basis for my decision.

Main issues

3. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the area;
 - the accessibility of the site for wheelchair/pushchairs users and cyclists.

Reasons

Character and appearance

4. The development plan includes policies CP17 in the Council's Core Strategy (CS) and DMP1 in its Development Management Policies document which amongst other things, seek to ensure that proposals protect and enhance the suburban character of Brent and are of a scale and design that complements the locality.
5. The appeal site lies within a residential area of mainly inter-war built properties. It comprises a sizeable area of overgrown land to the rear of Kenwyn Court, a large, purpose-built block of flats dating from the same period which has two storeys with a further storey within the roof. A rear access road

along the length of Kenwyn Drive provides vehicular access to properties and to the appeal site. The site is surrounded by the long rear gardens of surrounding dwellings, many of which have garages and outbuildings along the access road, giving it a distinct backland, suburban garden character. The site slopes down steeply from the rear of Kenwyn Court to the access road and is dominated by the large mass of Kenwyn Court above. The site is not seen from the street but is clearly visible from the rear of many of the surrounding properties.

6. The proposed dwelling would sit against the back edge of the site below the rear terraces of the flats. It would comprise a single storey with a flat, green sedum roof. It would have a rectangular plan form with windows in the elevation facing the access road and in the side elevations. A parking space would be provided at a lower level with access from the rear access road.
7. The Council considers that the footprint would be out of keeping with the plot's size and appearance and would dominate the centre of the plot. I disagree. It would undoubtedly differ in terms of siting from the surrounding dwellings with their long rear gardens. However, the proposal includes a good sized area of lawn to the front and sides of the dwelling. It proposes a relatively modest sized three bedroom dwelling with a single kitchen/living room. Kenwyn Court has a large footprint and many of the surrounding outbuildings are the size of a double garage. In this context then, the proposed siting of the proposal would retain the suburban garden character of the area and the scale of the new dwelling would not dominate its plot or the area.
8. The Council also considers the overall design of the building to be of no particular quality. Whilst I find that the principle of a contemporary form of dwelling would be acceptable in this location because its low profile would help it assimilate into its garden setting, the detail of the scheme is poor. The traditional style and placement of the windows reflect those of Kenwyn Court but are at odds with the contemporary form of the dwelling. Whilst the proposed cement render finish would match that of Kenwyn Court, the light colour would increase the prominence of the dwelling when seen from the surrounding properties and its use without any other materials would create a stark, monotonous appearance. I accept that concerns regarding materials could be overcome by a condition but given my other concerns, I agree with the Council that the proposed design lacks any particular merit and for this reason, it would fail to enhance or complement the locality, causing significant harm to the character and appearance of the area, contrary to policies CP17 and DMP1.

Accessibility

9. The Council's second reason for refusal concerns the lack of suitable safe and secure pedestrian access to the site and its cycle parking. It refers to policy DMP12 in the Council's Development Management Policies document but this seeks to ensure that proposals provide suitable car parking arrangements and is therefore not relevant. Policy 6.9 in The London Plan 2016 referred to concerns accessible cycle parking facilities but that document has now been replaced by The London Plan 2021 in which policy T5 deals cycling and requires provision to be in accordance with the London Cycling Design Standards (LCDS). The National Planning Policy Framework ('the Framework') seeks to ensure that developments create places that are safe, inclusive and accessible.

The Council has also referred to Part M of the Building Regulations requirements for accessible and adaptable dwellings.

10. The scheme proposes three access routes to the dwelling, along the eastern side of Kenwyn Court, through Kenwyn Court and via the rear access road. Ramped access would be provided between the side access and the dwelling and between the dwelling and the parking and cycle storage areas adjacent to the rear access road.
11. Even though the Council in its further comments on this appeal now considers the width of the side path acceptable for wheelchair and pushchair users, it maintains its concerns regarding the width for cyclists. The LCDS requires a minimum width of 1.2m. At my site visit, I noted that the path measured 0.92m across a suitable, hard ground surface at its narrowest point between the building and the side fence. Although the path may be greater than 1m in width for most of its length, it is clear that it would fall short of the minimum requirement for cyclists.
12. Furthermore, I noted at my visit that whilst there are a number of windows overlooking this path and a street light outside on the highway, there is no external lighting on this elevation of Kenwyn Court and as it lies outside the appeal site a condition requiring lighting would not be reasonable or enforceable.
13. The plans do not provide detailed information about the proposed ramp between the side access and the dwelling but I agree with the Council that it seems unlikely that a ramp of 1:12 for distances up to 5m or 1:15 for distances up to 10m (the minimum requirement under the Building Regulations) could be achieved given the physical limitations of the site which is steep and narrow at this point. Therefore, I cannot be certain that any further details for a ramp sought by a condition would be achievable.
14. Even if the width is acceptable for wheelchair or pushchair users, the side access would be unsafe and inaccessible for those users and for cyclists by reason of the lack of lighting and the lack of details of a suitable ramp. For cyclists it would also be inaccessible by reason of the narrow width of the path.
15. The pedestrian access through Kenwyn Court would also be unsuitable for all of those users because it involves the negotiation of stairs.
16. At my site visit I noted the poor surface condition of the rear access road, which is accessed through a locked gate. As it lies outside the ownership of the appellant it would not be possible to achieve any improvement of the surface through a planning condition. Given its poor surface which would be contrary to the LCDS requirement and its length of some 90m, it would not offer a safe or accessible route to cyclists, wheelchair users or pedestrians.
17. The Council now accepts that the details of the proposed cycle storage could be controlled by a condition and I am satisfied that, on this basis, the storage provision for cyclists would be acceptable.
18. However, for the reasons given above, I conclude that the proposal would not be safe, inclusive or accessible for all users and would be contrary to development plan policy T5 in the London Plan 2021 and to the Framework.

Planning balance and conclusion

19. Whilst the proposed development would make efficient use of land and would contribute in a very small way to the supply of housing in a suitable location, as encouraged in the Framework, given the small scale of the proposal those matters would not outweigh the significant harm in terms of both of the main issues that I have identified above. For the reasons stated above, I conclude that the proposed development would be contrary to the development plan and to the Framework. The appeal is dismissed.

Sarah Colebourne

Inspector