



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/20/3263177

49 & 51 Elm Road, Wembley, London, HA9 7JA

- 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 Ms Loretta Coyne against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/2548, dated 18 August 2020, was refused by notice dated 26 October 2020.
 - The development proposed is described as 'One and two storey rear extensions, rear dormer roof extension and front porch additions to existing building. Conversion from 2 flats and 2 houses into 8 flats with associated bike storage, refuse and recycling storage, landscaping and amenity space'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's decision describes the proposal as 'Proposed conversion into 8 self-contained flats including: demolition of existing rear bay windows to first floor level and rear dormer; erection of single and two storey rear extensions, pitched roof over existing rear extension, raised main roof ridge height, full width rear dormer, 2 x front gable roof extensions, 2 x front porch extensions, installation of 9 x rooflights, replacement of door with window to front elevation, subdivision of rear garden, front boundary treatment, provision of cycle and refuse storage, and associated hard and soft landscaping' and as this describes the proposal in more detail I have used this as the basis for my decision.
3. The appellant has suggested amendments to the scheme to provide two, three bedroom flats at ground floor level. However, that would significantly change the nature of the proposal and has not been fully considered by the Council or subject to consultation with other parties, including neighbouring residents, whose interests would be prejudiced if those plans were considered during this appeal. I am unable to accept those plans, therefore, and have determined the proposal on the basis of the plans that were determined by the Council.

Main issues

4. The main issues in this appeal are the effect of the proposed development on:-
 - the supply of family-sized housing in the Borough;
 - the character and appearance of the host dwellings and the area;

- the living conditions of the neighbouring occupiers at nos 47 and 53, in terms of outlook.

Reasons

Supply of family-sized housing

5. The development plan includes policies CP2 and CP21 in the Council's Core Strategy (CS) which seek to maintain and provide a balanced housing stock, including family-sized accommodation (capable of providing three or more bedrooms) in house subdivision/conversion schemes. It also includes policy DMP17 in its Development Management Policies document which seeks to ensure that conversions will be allowed only where they include a three bedroom unit with preferably direct access to a garden/amenity space. I agree with the appellant that policy DMP16 is not relevant in this case because it applies to developments resulting in the *net loss* of residential units which is not the case here.
6. The appeal site comprises an end terrace dwelling that has been extended to the side and a mid-terrace dwelling. It currently comprises two, one bedroom flats and two, three bedroom houses. The proposed development would comprise three, one bedroom flats at ground floor level, three one bedroom flats at first floor level and two studio flats at second floor level.
7. Whilst I noted at my visit that the existing amenity space is not in good condition, it is of a good size and has a reasonable outlook. The existing properties provide two family-sized units with direct access to acceptable amenity space. It is clear that the proposal would result in the loss of those units which would be contrary to the development plan policies above.
8. The proposal would provide four additional units of housing and would increase the density of this brownfield site, as sought in national policy in the National Planning Policy Framework (the Framework). However, the Framework also seeks to ensure that the size and type of housing needed for different groups in the community is reflected in policies. The Council's policies indicate that family-sized housing is needed in the Borough and I have no evidence that would lead me to disagree with that. The proposal fails to take into account local need and the benefits of additional units and increased density would not, therefore, outweigh the loss of two family-sized homes. The proposed development is unacceptable in principle because it would harm the supply of family-sized dwellings in the Borough and would be contrary to development plan policies CP2, CP21 and DMP17.

Character and appearance

9. Development plan policy DMP1 seeks to ensure that proposals, amongst other things, have a siting, scale and design that complements the locality. The appeal site lies close to the centre of Wembley within an area that is characterised by both high and low-rise development.
10. The proposed rear extensions would be seen in the context of the existing, inter-war built terrace with modern, high rise blocks in the background and Victorian/Edwardian-built housing adjacent. They would be clearly seen from the rear of dwellings on the opposite side of the adjacent railway line and from a railway bridge on the busy Park Lane nearby. The adjoining property at no 53 retains much of its original, modest character with its hipped roof and

projecting bays. However, the character of the existing rear elevation of the appeal site, which originally had a hipped roof, has been much altered over the years with a main pitched roof, a flat roof dormer and several single and two storey extensions with a variety of roof forms. The existing rear elevation therefore detracts from the character of the area although it retains a domestic scale appearance and some of the original window openings.

11. The proposed extensions include the raising of the ridge to match that of the adjoining dwelling at no 53, flat roof dormers across the width of the properties and single storey and two storey extensions resulting in a series of gabled/pitched roof projections with a staggered building line across the rear elevation.
12. Whilst the depth of the proposed second storey extension would exceed the Council's guidance in SPD2 'Residential Extension and Alterations' by 2.45m, the 3m rule in that guidance applies to amenity and light rather than to character and appearance. The plans show that the proposed depth would be just over half of that of the original building and that it would be set back significantly from the deeper two storey outrigger at no 47 in the adjacent terrace. I agree with the appellant that in relation to massing, the age and character of that terrace is not relevant and the depth would be acceptable insofar as it relates to character and appearance. The roof forms and angles would have a consistency that is lacking in the existing rear elevation and this would unify and improve the existing elevation to some extent. In terms of character and appearance then, the rear single and two storey extensions would be acceptable.
13. However, the increased height and substantial width of the roof extension, including the siting of the proposed dormers which would have no set down from the main ridge and would overlap part of the rear extension, would be unduly dominant when seen from the rear, creating an overly bulky form of development that would significantly detract from the rear elevation. Such dormers would not be possible under permitted development rules which requires a set back of 0.2m from the eaves.
14. On the front elevation, the proposal includes gabled roof forms above each of the projecting bays. The appellant says that they have been included to complete the front elevation where the increased main ridge to accommodate the dormers would result in a gap between the bay window and the increased eaves height. However, they would reflect those of the adjacent Victorian/Edwardian terrace rather than the more modest character of this terrace which has no such detail on the end dwelling at no 53. The gables would, therefore, be an incongruous and detrimental element in the terrace which would emphasise the disproportionate scale of the roof extensions.
15. The proposed front porches would be slightly larger than those advised in SPD2 but given the similar, existing porch at no 53 (which I have noted does not have planning permission according to the Council), the proposed porches would have a unifying effect in the terrace and given their small scale would not be detrimental.
16. I find then that by reason of the scale and siting of the proposed roof extension and dormers and the design and siting of the front gables, the proposed development would detract from the modest, inter-war character of the existing properties. As such it would fail to enhance or complement the

locality, causing significant harm to the character and appearance of the area, contrary to policy DMP1.

Living conditions

17. Policy DMP1 also requires that developments provide high levels of internal amenity. The appellant has referred to the Council's general guidance for all development in the Brent Design Guide SPD1. I agree with the Council, however, that in this context of an extension to existing residential properties, the most relevant guidance for assessing this matter is its SPD2 document which relates to residential extensions.
18. The appellant's final comments show that although the first floor extension at no 51 would fall behind the 1:2 rule line when taken from the back of the bay window at no 53, the two storey rear extension at no 49 would breach that line but I agree with the appellant that at a distance of some 6m the impact would not be significant.
19. No 47 is an end terrace dwelling with a deep two storey rear outrigger. There is a rear facing window adjacent to the side boundary with the appeal site in the main rear elevation and a side facing window in the outrigger which faces towards an existing two storey extension at the appeal site. I have noted that the plans show that the proposal would comply with the vertical 30° and 45° rule line in SPD1 but that document also refers to SPD2. The existing extension already contributes to a poor outlook from those windows. On the basis of the submitted plans, the proposed two storey extension and new roof over the existing first floor extension at no 49 would not fall behind the 1:2 rule line in SPD2 when taken from the rear facing window of no 47. The poor existing outlook would be significantly worsened by those parts of the proposal which would have an overly dominant impact resulting in an oppressive sense of enclosure.
20. I have noted that there was no objection from the current occupiers of no 47 but they could change at some point in the future. As the rear facing window at no 47 is likely to be the main window to a principal room, the proposal would significantly harm the living conditions of those occupiers in terms of outlook, contrary to policy DMP1.

Conclusion

21. 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