
Appeal Decision

Site visit made on 6 May 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 May 2021

Appeal Ref: APP/T5150/W/20/3264770

121 High Road, London NW10 2SL

- 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 Shooq Beauty Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/2566, dated 11 August 2020, was refused by notice dated 19 November 2020.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made by the Council to policies which are included in the draft Brent Local Plan. However, although they have been the subject of Examination by an Inspector these policies have yet to be formally adopted and do not materially add to those the Council relied upon in the adopted development plan or relevant national policy.

Main Issues

3. It is considered that the main issues are (a) whether the proposed development would preserve or enhance the character or appearance of the Willesden Green Conservation Area and (b) the effects of the proposed development on the living conditions of the occupiers of 123 High Road.

Reasons

Character and Appearance

4. The appeal property is located within a terrace of 3-storey buildings which predominantly have commercial uses at ground floor and residential accommodation above. The proposed development includes the erection of a single storey extension the footprint of which would infill the full extent of the rear garden area. The rear garden currently comprises a raised deck. Although there are single storey rear additions to neighbouring terraced buildings, none of these were observed to fully infill their gardens. Some storage or amenity space still exists and this applies to additions erected at 123 High Road.
5. The property is located within the Willesden Green Conservation Area where there is a statutory duty to preserve or enhance the character or appearance

of the area. This duty is echoed in Policy DMP1 of the London Borough of Brent Development Management Policies (LP). This policy also refers to the design of development complementing the locality.

6. No information has been provided about why the Conservation Area was designated. From what was observed, the area's character derives principally from being a Victorian linear commercial centre with terraces and individual buildings erected of London stock brick with red brick dressings. At ground floor level there are shopfronts. At the rear the Ordnance Survey plan and site visit identified that buildings within the terrace have a plan form which includes 2-storey outriggers. These observations generally accord with the appellant's assessment of the property and terrace.
7. Amongst other matters, LP Policy DMP7 refers to proposals affecting heritage assets respecting and reinforcing plan form and also ensuring that extensions are not overly dominating. By reason of its size, rather than being a subservient addition the appeal scheme would be a physically and visually overly dominant extension to the property thereby failing to adequately respect its plan form. Further, the size and footprint of the proposed development would fail to complement the character of other rear additions to the neighbouring terraced buildings within this part of the Conservation Area which do not have fully infilled gardens. The scale of the appeal scheme would also materially disrupt the rhythm and plan forms the buildings within the terrace.
8. The National Planning Policy Framework identifies that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal. In this case, the principal benefit identified by the appellant is that the proposed extension would support an existing business. However, what support the proposed extension would provide has not been fully explained. Accordingly, this is a case where the harm which has been identified to the significance of the designated heritage asset outweighs the public benefit.
9. On this matter it is concluded that the proposed development would fail to preserve the character and appearance of the Willesden Green Conservation Area and, as such, it would conflict with LP Policies DMP1 and DMP7.

Living Conditions

10. Reference is made by the Council to its *Residential Extensions and Alterations Supplementary Planning Document* (SPD) which is mainly directed at proposals involving works to dwellings. Although the proposed development is an extension to a commercial use, the SPD is useful identifying the types of issues associated with the effects of extensions upon neighbouring occupiers.
11. To the rear of No. 123 there is a single storey ground floor addition which is occupied as a dwelling. Within the rear elevation of this addition is a large window, which appears to serve a habitable room, with an outlook towards a small, enclosed amenity space overshadowed by trees.
12. By reason of siting and height, when measured from the original ground level rather than the raised decking the appeal scheme would project above the existing shared boundary wall with No. 123. By reason of the degree of projection above, there would be an increased sense of enclosure for the

occupiers of No. 123. This sense of enclosure would be accentuated by the limited size of the amenity area and the increase in the height of the wall close to the shared boundary would result in the proposed extension being perceived as an overbearing form of development.

13. For the reasons given, the proposed development would cause unacceptable harm to the living conditions of the occupiers of 123 High Road and, as such, it would conflict with LP Policy DMP1 concerning the design of proposals providing high levels of external amenity.
14. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR