



Appeal Decision

Site visit made on 11 May 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2021

Appeal Ref: APP/T5150/D/21/3268956

92 The Avenue, London NW6 7NN

- 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 Candida Scott Knight against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/4014, dated 4 December 2020, was refused by notice dated 29 January 2021.
 - The development proposed is described as 'The proposed works include the renovation of an unoccupied derelict property. A new two story side extension and dormer conversion. Within the garden the application includes a studio outbuilding and outdoor swimming pool.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are: the effect of the proposal on the character and appearance of the appeal property and area; the effect of the proposal on the living conditions of neighbours; and, the effect of the proposed outbuilding and swimming pool on retained trees.

Reasons

Character and appearance

3. The appeal property is architecturally similar to the adjoining semi-detached dwelling and is located amongst other semi-detached and detached dwellings, in various styles and scales. This has resulted in a diverse street scene along The Avenue.
4. In considering the proposal, the Council has referred to its Residential Extensions and Alterations – SPD 2, adopted January 2018 ('SPD 2'). This is a material consideration in the determination of planning applications for extensions to housing. Accordingly, I have applied SPD 2 as guidance while having regard to the appeal property and area.
5. The proposed side extension would replace an existing garage. Despite not being set-back at first floor level, this extension would be set-in from the side boundary and is no wider than two thirds of the width of the original property. It would also be appreciably set-back from the main part of the front elevation of the appeal property, which incorporates its feature bay windows. The

- proposed hipped roof form of this extension and the design and size of its front fenestration reflect the form and design of the appeal property. As such, the side extension is appropriately designed and proportionate which would complement the existing property in accordance with the guidance in SPD 2.
6. Along the rear, the appeal property largely retains its original scale and form. Further, due to the expansive rear gardens of this and neighbouring properties some mutual views of the rear elevations are available. Although nearby properties have been extended to the rear, which include additions of a contemporary design, these have largely retained the original forms of their respective properties.
 7. The proposal includes extensive rear extensions to the appeal property, including at first floor and roof levels. Although these extensions would be lower than the ridge of original dwelling, in part, these would extend above the height of the existing eaves and beyond the side and rear facades of this property. The overall extent of these extensions would therefore dominate and obscure the traditional form of the appeal property, including its roof. This would be contrary to the advice for rear extensions in SPD 2, which requires that the design and shape of the roof must match the original. Also, although described as dormer conversions the proposed extensions to the property would not reflect the guidance for side and rear dormers in SPD 2.
 8. Consequently, the proposed first floor and roof level extensions would fail to provide a degree of continuity and assimilation with the existing property. Thereby appearing as uncharacteristic and incongruous additions, which would harm its appearance and that of the area and reflect poor design.
 9. The appellant has drawn my attention to a dormer extension at 90 The Avenue. From my observations this retains some distinction between the roof and first floor. Also, this does not reflect the prevailing form of extensions in the area and therefore does not alter my findings on the scheme before me.
 10. Overall, the proposal would be contrary to Policy DMP1 of Brent's Development Management Policies 2016 ('DMP'). Amongst other things this requires that the siting, scale, and design of developments provide high levels of external amenity and complement the locality.

Living conditions

11. The height of the proposed outbuilding would marginally exceed the height limit recommended for outbuildings within SPD 2. Furthermore, it would incorporate a flat roof design and is to be located at the very end of an extensive garden wherein neighbouring properties also include outbuildings. Therefore, due to its modest depth and low-lying form, in the context of a residential garden, the proposed outbuilding would not be visually intrusive.
12. The modest kitchen area within the outbuilding is to facilitate outdoor dining in association with the swimming pool area. As such, there is nothing before me to suggest that the use of the outbuilding would be anything other than incidental to the enjoyment of the appeal property.
13. For the above reasons, the proposed outbuilding would have no unacceptable effect on the living conditions of neighbours with regard to outlook. I, therefore, find no conflict with Policy DMP1 of the DMP which amongst other things requires that developments complement the locality.

Effect on trees

14. The proposed outbuilding and swimming pool would be located close to a number of retained trees within the appeal site and along shared boundaries with neighbouring properties. Whilst these trees are not subject to a Tree Protection Order they still make a positive contribution to the verdant setting of these properties.
15. Although the appellant asserts that the proposed outbuilding is of lightweight construction that can be introduced into the location with negligible impact upon the character and long term viability of the existing trees, I have not been provided with any strong technical evidence to support this. Moreover, the creation of the swimming pool is likely to require extensive ground excavations.
16. Consequently, on the available information, I am not persuaded that details of tree protection measures can be left to a condition and that the construction of the outbuilding and swimming pool would not harm existing trees. As such, it has not been shown that the construction of the outbuilding and swimming pool accord with the aims of Policy DMP 1 of the DMP, which amongst other things seeks to retain existing trees.

Conclusion

17. I have found that the proposed outbuilding would not harm the living conditions of neighbours. However, it has not been clearly shown that the construction of this and the swimming pool would not harm existing trees. Furthermore, the proposal would harm the character and appearance of the appeal property and area. For these reasons and overall conflict with the development plan, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR