



Appeal Decision

Site visit made on 21 May 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2021

Appeal Ref: APP/T5150/W/20/3264541

1 Briar Road, Harrow HA3 0DP

- 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 Arshad against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/2111, dated 7 July 2020, was refused by notice dated 13 October 2020.
 - The development proposed is erection of a single storey detached bungalow to the rear of No 1 Briar Road to also include car parking, bin stores, sub-division of garden and proposed access off Upton Gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:-
 - whether the proposal preserves or enhances the character or appearance of the Northwick Circle Conservation Area;
 - the effect of the proposal on trees; and
 - the effect of the proposal on the living conditions of the future occupiers of the proposed dwelling.

Reasons

Conservation Area

3. The appeal site is within the Northwick Circle Conservation Area and therefore I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. This is reflected in Development Management¹ policies DMP1 and DMP7 and in the National Planning Policy Framework².
4. No 1 Briar Road is on a corner with Upton Gardens and the proposed dwelling would be located towards the end of the garden with vehicular and pedestrian

¹ London Borough of Brent Local Plan Development Management Policies November 2016

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

access from Upton Gardens. No 1 is a semi-detached house and its long rear garden is representative of the general character of the houses in this area. No 1 would retain a reasonable length of garden although the proposal would sub-divide it to accommodate the proposed dwelling, amenity space and car parking.

5. The new dwelling would be a modest sized bungalow effectively tucked into the corner of the rear garden. Whilst its scale and design aim to make it appear unobtrusive in the wider area, it would appear cramped within its newly created curtilage. The appellant has referred to another dwelling located nearby, No 3 Upton Gardens which seems to have been constructed within the former garden of No 1 Upton Gardens which is opposite No 1 Briar Road. Whilst this seems similar in terms of tucking a new dwelling into a small area of land, it appears to be odd in its setting and although it is sited behind gates and fencing, from my observation I consider that it does little to support further development of this nature. I note that No 3 Upton Gardens was allowed on appeal in 2004³ but this does nothing to persuade me that the proposal before me would be acceptable in this Conservation Area.
6. On this matter therefore, I consider that the character and appearance of the Conservation Area would not be preserved or enhanced by the proposal and the proposal would conflict with policies DMP1 and DMP7 and the Framework.

Trees

7. I was only able to view the appeal site from the road but there does seem to be trees on the site. There are trees close to the boundary with Upton Gardens and a garage and vegetation currently occupy the site. The appellant states that no trees would be affected by the proposal but in the absence of details in terms of a tree survey including an accurate identification of trees on the site, it is not possible for me to agree with this assertion. It seems to me that trees could be affected by the proposal which given the conservation status of the site could affect its character and appearance. Given the lack of information, this matter adds to my view that the proposal would not preserve the character and appearance of the Conservation Area.

Living Conditions

8. The dwelling would be sited close to the boundaries with neighbouring properties on two sides which would mean that the outlook from the windows on the rear of the dwelling would be obscured by boundary fencing at close quarters. These rooms are shown as a bedroom and a kitchen, the latter being part of an open plan living and kitchen area. There would be a window from the living room which would not be obscured but a bedroom would overlook the parking area which could mean that a car could park close to the bedroom window. This may not be permanent as a car would likely come and go but it further adds to the cramped nature of the development. I note that the appellant has submitted a plan with a revised internal layout and whilst this may generally improve the living conditions of future occupiers, it is not the scheme that was refused and has not, as far as I am aware, been subject to any consultation. I can therefore, only give it limited weight.

³ Appeal Ref: APP/T5150/A/03/1132631.

9. The 2016 London Plan and the 2019 Draft London Plan have been superseded by the 2021 London Plan⁴. Amongst other things, Policy D6 requires housing developments to be of a high quality design and provide adequately sized rooms with comfortable and functional layouts. Development Management Policy DMP1 indicates, amongst other things, that acceptable development provides high levels of internal and external amenity. I do not consider that the siting of a dwelling on this site could achieve the standards required by these policies so as to constitute acceptable living conditions.

Conclusion

10. My concern about the effect on trees could be overcome by the submission of further details but in the absence of convincing evidence, this issue remains a concern. I also appreciate that the effect on the living conditions of future occupiers could be improved depending on the internal layout but I am not sufficiently convinced that this would overcome my concerns. In any event on both of these issues I have based my decision on the evidence before me and that which was subject to the Council's determination.
11. My overriding concern however is that the proposal would have a harmful effect on the character and appearance of the Northwick Circle Conservation Area. The sub-division of the garden and the creation of a new dwelling would be cramped and out of keeping with the character of the area and would not reflect the overall character of the Conservation Area. Notwithstanding my concerns about the other issues raised this issue alone is sufficient to justify withholding permission for this development.
12. I have taken all matters raised, including the supply of housing in London plus the other planning policies referred to but these nor any other matter raised alters my conclusion. I conclude that the proposal would not preserve or enhance the character or appearance of the Northwick Circle Conservation Area; it could have a harmful effect on trees which would add to the effect on the Conservation Area; and it would have a harmful effect on the living conditions of the future occupiers of the proposed dwelling.
13. The proposal would conflict with the policies referred to and therefore the appeal fails.

J D Clark

INSPECTOR

⁴ Mayor of London The London Plan – The Spatial Development Strategy for Greater London, March 2021.