



Appeal Decision

Site Visit made on 28 September 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/T5150/W/21/3274025

27 Clarendon Gardens, Wembley HA9 7QW

- 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 N Kritikos against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/0169, dated 11 January 2021, was refused by notice dated 30 March 2021.
 - The development proposed is described as 'retrospective application for outbuilding constructed in the garden being used as a glass-making workshop'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The appellant advises that there is a mistake in that description, and that the outbuilding would be used as a glass engraving studio. However, whatever the appellant's original intentions may have been, the planning application was made for an outbuilding for use as a glass-making workshop. It is clear from the evidence before me and the decision notice that the Council considered the proposal as for a glass-making workshop, and this is also the basis on which interested parties were consulted. In my view, use of the outbuilding for glass engraving instead would materially change the development from that considered by the Local Planning Authority and on which interested people's views were sought, and I consider that there could be prejudice to these parties if I were to consider the appeal on that basis. In the interests of fairness and with regard to the Wheatcroft principles¹, I have therefore determined the appeal on the basis of the development applied for as described on the Planning application form, and according to the development shown on the submitted drawings.

Main Issues

3. The main issues are
 - (i) the effect of the proposal on the character and appearance of the area; and
 - (ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and odour, and whether or not it would be overbearing to the occupiers of 29 Clarendon Gardens.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Character and Appearance

4. The appeal relates to an outbuilding to the rear of a semi-detached property which is in use as a residential care home. Some of the dwellings in the vicinity of the site have outbuildings to their rear, but while these vary in design, they are for the most part of fairly modest scale and are usually positioned towards the rear of relatively generous gardens. As a result, there remains a generally spacious setting to the rear of buildings, contributing an open character to the area.
5. In itself, the scale of the outbuilding is not out of keeping with others that I was able to observe nearby. However, it is positioned immediately to the rear of an existing pitched-roof outbuilding on the site, and would be contrary to guidance within the Residential Extensions and Alterations Supplementary Planning Document 2 2018 ('the SPD') that only one outbuilding will normally be permitted in a garden, and that they should generally be located within the final fifth of gardens. Moreover, the proportion of the garden occupied by these outbuildings in combination is unusually large, and is particularly striking given the apparent lack of outbuildings to either of the adjacent properties at 25 or 29 Clarendon Gardens. The design of the outbuilding with a very shallow monopitched roof further adds to the appearance of bulk, and in combination with the depth and width of the development against the garden, I find that the outbuildings together are disproportionate to the host building and site.
6. I appreciate that the outbuilding is not readily apparent from the street scene and that the visual impact of the development is localised. Nevertheless, the proposal harmfully erodes the generally open quality of the appeal site and surrounding gardens, and I conclude on this main issue that there is as a result unacceptable harm to the character of the area. Accordingly, it conflicts with Policy DMP1 of the Development Management Policies 2016 ('the DMP') insofar as it requires development that complements the locality.

Living Conditions

7. In combination with the existing garage, the outbuilding results in development extending along a substantial proportion of the garden to the neighbouring dwelling at 29 Clarendon Gardens. Its height at the eaves complies with guidance in the SPD. Even so, it is much higher than the existing fenceline, and I consider that the height and total depth of development in such close proximity to the boundary results in a dominant feature and an unwelcome degree of enclosure causing it to appear overbearing when it is seen from No 29's garden.
8. In addition, the 'glass-making workshop' applied for would be unusual within a residential area. There is very limited information before me to clarify what this use would entail, and in the absence of details including on the nature and level of associated activity and any equipment or machinery required, I can give very little weight to the appellant's assertion that there would be no noise. At the time of my visit, the outbuilding was being used for storage, and I found the appeal site and surrounding gardens to be generally peaceful. Against this background, I consider that potential noise or odour would be likely to be noticeable, and I am unable from the evidence before me to conclude that

levels of either associated with the proposed use of the outbuilding would not be intrusive so as to detract from the quality of life of neighbouring occupiers.

9. For these reasons, I conclude on this main issue that the proposal results in overbearing development that causes unacceptable harm to the living conditions of the occupiers of 29 Clarendon Gardens, and it has not been demonstrated that there would not be further harm to the living conditions of neighbouring occupiers as a consequence of noise and/or odour. While I acknowledge that neighbours have not objected to the development, the harm I have identified would be permanent. It therefore conflicts with Policy DMP1 of the DMP which requires, amongst other things, that development provides high levels of amenity and that it does not unacceptably increase exposure to noise, smell or other forms of pollution or general disturbance.

Conclusion

10. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole. Material considerations do not indicate that a decision contrary to the development plan should be reached, and I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR