



Appeal Decision

Site Visit made on 27 September 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/T5150/W/21/3269664

211 The Mall, Harrow HA3 9TX

- 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 M McCarroll against the decision of London Borough of Brent.
 - The application Ref 20/3281, dated 12 October 2020, was refused by notice dated 7 December 2020.
 - The development proposed is described as "proposed new 2 bedroom semi-detached dwelling on garden land adjoining existing dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.

Main Issues

3. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of 211 The Mall with regards to outlook; (ii) the character and appearance of the surrounding area; and (iii) highway safety with regards to parking.

Reasons

Living conditions

4. The proposal would include single and two storey development that would extend beyond the rear elevation of 211 The Mall (No 211). The windows in the rear elevation of No 211 would be in close proximity to the proposed development. Whilst the windows that would be immediately adjacent to the proposed property are into non-habitable rooms, due to the size and proposed projection of the property, the development would be a dominating structure when viewed from the rear of No 211, including the windows into habitable rooms.
5. The boundary treatment between the appeal site and No 211 would be two metres in height which would screen some of the development including the flat roof element. The appellant has also demonstrated that a 45 degree rule would be achieved. Nevertheless, given the scale and positioning of the

proposal it would appear as an overbearing feature that would adversely detract from the living conditions of the occupiers of No 211.

6. I note that No 211 has a south facing aspect and the proposal is unlikely to have a negative effect in terms of loss of light. This however, would not outweigh the harm in terms of the dominating effects the proposal would have on the rear elevation of No 211 and the adverse effect on outlook.
7. The proposal would have a harmful effect on the living conditions of the occupiers of No 211 with regards to outlook. The proposal would be contrary to DMP1 of the Brent's Development Management Policies 2016 (BDMP) and Brent's Residential Extensions & Alterations SPD2 2018 which seek development to provide high levels of internal and external amenity.

Character and appearance

8. The area surrounding the appeal site is characterised primarily of residential properties with the built form mainly of semi-detached units generously spaced along The Mall. The area has an open feel as properties are set back from the highway with grass verges next to footpaths including dwellings set away from highway junctions.
9. The proposal would create a block of three connected residential properties that would conflict with the existing built form and prevailing pattern of semi-detached properties in the area. The proposed property would be located within close proximity to the boundary of the site, near to the footpath and road, and would appear as a cramped development that would be an overbearing feature within the street scene. Due to the scale, massing and bulk of the proposed property in relation to the size of the site, the proposal would not reflect or compliment the built form in the surrounding locality.
10. The appellant has indicated that infill plots and the principle of developing garden land is acceptable. I also note that materials and detailing of the proposed property would reflect the type of residential accommodation in the area. Nevertheless, the proposal, given its size and location, would not be in keeping with the prevailing built form and pattern of development in the locality and subsequently would detract from the character and appearance of the area.
11. Accordingly, the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal is contrary to Policy DMP1 of the BDMP, Policy CP17 of the Brent Core Strategy 2010 and the Brent Design Guide SPD1 2018 which seeks to protect the distinctive suburban character from inappropriate development.

Highway safety

12. The proposal does not provide any off street parking for future residents. There are also limited parking provision on the surrounding streets given there are double yellow lines immediately adjacent to the appeal site on The Mall, Shakespeare Drive and Arnold Close. These yellow lines may contribute towards safe movement of traffic and pedestrians however, it does subsequently reduce parking opportunities.
13. I did witness at my site visit that there were limited opportunities for vehicle parking. Whilst I accept that this is a snap shot in time, it still gives an

indication that the demand for parking in the area is high. The proposal would result in a modest level of parking demand however, this would still increase parking demand on the surrounding streets that would exacerbate an already saturated parking matter.

14. It has been indicated that there are no plans to introduce controlled parking zones and that the site is within a short distance to public transport services including Kingsbury Station, Preston Road Station and Magnolia Court bus stop. These matters however do not outweigh the issue that parking demand will be increased by the proposal in an area that has high demand. Subsequently that would lead to conflict on the road, to the detriment of the free and safe flow of traffic and pedestrians.
15. The proposal would have a harmful effect on highway safety with regards to parking. The proposal would conflict with Policy DMP12 of the BDMP which seeks development that creates additional parking to not have a negative impact on existing parking, highways, other forms of movement or the environment.

Other Matters

16. I have had regard to the appellants statement of case including comments that the proposal would contribute to the supply of housing in the area as well as social and economic benefits including employment opportunities.

Conclusion

17. I have found that the proposal would contribute to housing supply as well as bring employment opportunities. However, these matters and the benefits described above would not outweigh the significant harm I have identified with regards to the living conditions of neighbouring occupiers in respect of outlook, character and appearance, and highway safety.
18. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
19. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR