



Appeal Decision

Site Visit made on 28 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/21/3270464

327-329 Neasden Lane North, London NW10 0AH

- 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 Jim Condon Mr William McGowan against the decision of London Borough of Brent.
 - The application Ref 20/1921, dated 17 June 2020, was refused by notice dated 8 September 2020.
 - The development proposed is described as "demolish existing building and erection of a new building comprising of 9 residential flats".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted additional evidence since the Council's decision in respect of refusal reasons 4 and 6, relating to trees, cycle storage and landscaping. The Council have stated that the submitted evidence is satisfactory and has overcome the concerns in relation to these refusal reasons.
3. 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.
4. The Council's decision notice refers to policies of the emerging Brent Local Plan. This emerging Local Plan has not been adopted yet therefore my assessment of this appeal is based on the relevant statutory development plan policies.

Main Issues

5. The main issues are:
 - (i) The effect of the proposal on the character and appearance of the surrounding area;
 - (ii) The effect of the proposal on the living conditions of occupiers of 1 Winslow Close with regards to outlook and privacy;
 - (iii) Whether the proposal would provide satisfactory living conditions for future occupiers regarding outlook and amenity space; and
 - (iv) The effect of the proposal on highway safety in regards to parking.

Reasons

Character and appearance

6. The area surrounding the appeal site is characterised by a mix of predominantly commercial and residential properties. The built form is varied in terms of scale yet the majority of the residential buildings in the area are set well back from the main roads. This provides separation with grassed or landscaped areas between the buildings and the roads. It is this pattern of development showing separation between residential properties and the road network which contributes positively to the character of the area.
7. The proposal would be a large structure that sits close to the boundaries of the site. Due to its scale and positioning it would appear as a cramped form of development that would be overbearing and an intrusive feature within the street scene.
8. The proposed building would also be sited within close distance to the main road to the north. There would be little grassed or landscaped area to the front elevation with the majority being made up of vehicle and cycle parking as well as refuse storage. The lack of separation between the front elevation and the main road including a lack of landscaping would make the proposal a dominating structure that would be out of keeping with the prevailing pattern of development in the area.
9. I have had regard to the appellants statement of case including the proposal at "321-323, 321A, 321B & 325 Neasden Lane North" in which homes with shops were demolished to be replaced with a three storey building. However, insufficient information has been provided on this development and therefore I cannot be sure that it would be directly comparable to the appeal scheme, particularly with regards to relevant development plan policies. In any case, I have determined this appeal on its own merits. The appellant has also indicated that the proposal would be 2 metres away from neighbouring property 321-323 facing Neasdon Lane. This matter however does not alter my findings above.
10. Accordingly, the proposal would not be of an acceptable design and would be harmful to the character and appearance of the surrounding area. The proposal fails to comply with Policy DMP1 of the Brent's Development Management Policies 2016 (BDMP) and the Brent Design Guide SPD1 2018 (SPD1) which seeks to protect distinctive character from inappropriate development.

Living conditions – neighbouring occupants

11. The proposed building would be located in close proximity to the boundary of 1 Winslow Close (No 1). Due to the proposals massing and siting in relation to No 1, the development would be a dominating structure that would be overbearing when viewed from No 1, particularly from the rear garden area.
12. There are windows to habitable rooms and balconies proposed that would directly overlook the rear garden area of No 1 and given its close positioning to the boundary this would result in loss of privacy to this garden area.
13. The size, bulk, siting and window location of the proposal would result in an intrusive form of development that would create an oppressive environment for the occupiers of No 1, significantly compromising outlook and privacy.

14. From the evidence submitted, including the Daylight and Sunlight Assessment Report and drawing No. XEVA/327NLN/215, I am satisfied that the proposal would not have an adverse effect in terms of light. However, these matters do not alter my findings above and the harmful effect the proposal has in relation to outlook and privacy.
15. The proposal would have a harmful effect on the living conditions of the occupiers of No 1 with regards to privacy and outlook. The proposal would be contrary to Policy DMP1 of the BDMP and SPD1 which seeks development to provide adequate privacy and amenity for new residents and protect those of existing ones.

Living conditions – future occupants

16. Outdoor space is important to meet the demands of everyday life for occupants, providing an area for relaxation as well as essential activities. Policy DMP19 of the BDMP states that new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs, with the expectation to have 20 square metres per flat.
17. The proposed development would not provide the required private outdoor amenity space as units 1, 3, 4 and 7 do not have any identified outdoor spaces. The balcony area for unit 2 is also considered to be below standard in terms of size. There is a communal garden area however this appears to be substandard given its size and that it doesn't appear to be readily accessible by the majority of the proposed flats. The lack of suitable outdoor amenity space would give the properties an oppressive feel that would have a detrimental effect on the living conditions of future occupants.
18. The living room window of flat 1 and the windows of bedroom 2 and 3 of flat 3 would be in close proximity to the boundary of the site. Plan drawing No. XEVA/327NLN/204 appears to show boundary treatment which given its position in relation to the side windows of flats 1 and 3 would significantly reduce outlook from these rooms to an extent that would compromise the living conditions of the occupants.
19. The appellant has submitted an amended plan drawing No. XEVA/327NLN/606 which overcomes the Council's concerns in relation to room sizes. This matter does not alter my findings above in relation to outlook and amenity space.
20. The proposal would have a harmful effect on the living conditions of future occupiers of the properties with regards to outlook and amenity space. The proposal would not be in accordance with Policies DMP1 and DMP19 of the BDMP and Policy D4 of the London Plan 2021 which seeks development to deliver good design and ensure a suitable level of provision of amenity space.

Highway safety

21. The proposal incorporates cycle parking and a single disabled parking space within the site, and the appellant notes that the appeal site is located in a PTAL area rated '3'.
22. The Council had concerns that the development would lead to an increase in car parking demand which has not been accommodated on-site and cannot be safely accommodated on-street, and to the detriment of highway and pedestrian safety on a London Distributor road.

23. The main parties have agreed that a Section 106 Legal Agreement securing necessary contributions towards the expansion of controlled parking zones and removal of rights for parking permits for future residents would overcome the Council concerns on the highway safety matter.
24. A completed and signed Section 106 Legal Agreement has not been submitted. Nevertheless, this matter would not change the harm I have found with regards to the other main issues.

Conclusion

25. The Council are satisfied that the proposal would not have harmful effects in terms of trees, landscaping and cycle parking provision. Whilst a completed and signed Section 106 Legal Agreement has not been submitted, the Council indicate that such an agreement would alleviate concerns with regards to highway safety. However, these matters and benefits would not outweigh the significant harm I have identified with regards to character and appearance and the living conditions of occupiers of No 1 and future occupiers of the scheme in respect of privacy, outlook and amenity space.
26. 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.
27. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR