



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: 19 October 2021

Appeal Ref: APP/T5150/W/21/3270872

land to adjacent to 114 Keslake Road, Queens Park, London NW6 6DG

- 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 D Matthews of Kethrid Investments against the decision of London Borough of Brent.
 - The application Ref 20/2225, dated 27 July 2020, was refused by notice dated 10 December 2020.
 - The development proposed is described as “proposed dwelling”.
-

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 whether the proposal preserves or enhances the character or appearance of the Queens Park Conservation Area and the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regards to light and outlook.

Reasons

Conservation Area

4. The appeal site is an area of land located between Chamberlayne Road and Keslake Road that is bounded to the south by tall fencing. The site also lies adjacent to the Queens Park Conservation Area (QPCA).
5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
6. The QPCA within the immediate setting of the appeal site is characterised by terraced Georgian styled and Victorian period townhouses with garden spaces

to the rear. In contrast, the rear elevations of properties on Chamberlayne Road are singular in form with design elements reproduced. The appellants Heritage Statement describes that the rear elevation of Chamberlayne Road was historically designed to overlook a modest area of curtilage, backing onto other dwellings and their curtilages. It is this separation between the Georgian and Victorian style properties and the plainer rear elevations of Chamberlayne Road that contribute to the character of the QPCA.

7. The proposal would result in the loss of the visual gap between the properties on Chamberlayne Road and Keslake Road, introducing a structure that would be dominating and conflict with the existing historic fabric to the detriment of the character and appearance of the area.
8. The site is historically residential curtilage so the proposal would be in accordance with the original intended use. However, it is the open space between the properties that the site provides which is an important element. The proposed development would remove this visual break in the built form that would cause harm to the fabric of the historic environment.
9. The proposal has been described as a modern interpretation of design and use of materials that would respond to the design needs of the site, whilst respecting Historic England best practice, to contrast between old and new. The design, scale and materials of the proposal would however, conflict with the traditional architectural styles of the properties on Keslake Road. The proposal would appear as an odd addition to the street scene that drastically contrasts with both the traditional qualities of the properties on Keslake Road and the simpler forms of development to the rear of Chamberlayne Road.
10. It is understood that the built development of settlements, including those in conservation areas, do evolve however, the proposal would not respond positively to the existing urban grain or harmonise with the setting of the surrounding historic buildings. It would be a prominent feature in the street that would be readily visible from various vantage points, and would detract from the historical qualities of the QPCA.
11. Accordingly, the proposal would not preserve or enhance the character and appearance of the QPCA or surrounding area. The proposal would conflict with Policies DMP1 and DMP7 of the Brent's Development Management Policies 2016 (BDMP) which seeks proposals to conserve or enhance the significance of heritage assets and their settings.
12. Queens Park and the listed Bandstand is located to the east of the appeal site. Given the distance between these though, I am satisfied the proposal would not have a detrimental effect on these. This matter does not outweigh the harm I have identified above.

Living conditions

13. The proposed development would be a large structure that is in close proximity to the east elevation of 67 Chamberlayne Road (No 67) and west elevation of 114 Keslake Road (No 114). This east elevation of No 67 has a number of windows including a bedroom window at first floor level and the west elevation of No 114 also having some openings as well as yard and garden areas. I am satisfied given the evidence submitted by the appellant including the Daylight

and Sunlight Report that the occupiers of Nos 67 and 114 would not be adversely affected in terms of light.

14. The appellant considers there is a correlation between daylight and outlook, and that the quantum of daylight received should equate to a reasonable outlook. I disagree on this point. The submitted plans show that the proposal would reach a height of approximately halfway up the bedroom window of No 67. Due to the close proximity and scale of the proposed property, this would appear a dominating structure and create an oppressive environment in the bedroom of No 67.
15. I have had regard to the appellants statement of case, including the Daylight and Sunlight Report and the "Waldron" images. However, given the size and positioning of the proposal, the development would be an overbearing feature that would adversely compromise the living conditions of the occupiers of No 67 in terms of outlook.
16. The proposal would not compromise privacy of surrounding properties given its design and window placement. This matter however does not outweigh the harm I have identified with regards to outlook.
17. Accordingly, the proposal would have a harmful effect on the living conditions of the occupiers of No 67 with regards to outlook. The proposal would be contrary to Policy DMP1 of the BDMP which seeks development to provide high levels of internal and external amenity.

Other Matters

18. I have had regard to the appellants statement of case including that the proposal would benefit the local community, providing good quality residential accommodation that would contribute to housing supply being in a suitable location and being an effective use of previously developed land.

Conclusion

19. I have found that the proposal would not compromise the living conditions of neighbouring occupiers in terms of privacy and light. 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, and the effects on the QPCA.
20. 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.
21. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR