



Appeal Decision

Site visit made on 26 October 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 12 NOVEMBER 2021

Appeal Ref: APP/T5150/W/21/3275821
17 Bermans Way, Brent NW10 1RY

- 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 Gamal Gadir (Torplus Ltd) against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/3701, dated 13 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is the demolition of garage and erection of a semi-detached residential dwelling with converted roof space adjoining Bermans Way and associated amenity space, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the description of development on the refusal notice rather than that from the application form because it more accurately describes the proposal.
3. The National Planning Policy Framework was revised on 20 July 2021 and the new London Plan (2021) published during the appeal period. Both parties have had the opportunity to comment on the implications of this for their case.
4. Planning permission was granted in 2019 for demolition of the garage and erection of a '2-storey semi-detached dwelling house'¹. I have not been provided with any details of this permission and there is no information regarding how likely it is to be built.
5. A similar development to the current proposal was refused in 2020². The appellant has sought to overcome the reasons for refusal by removing a proposed side dormer and altering the roof, internal layout, and fenestration.

Main issue

6. The main issue is the effect of the proposal on the character and appearance of the host house and area.

¹ 19/1336

² 20/2314

Reasons

7. The appeal site is the width of a single garage with a narrow strip of grass alongside. There is a driveway to the front and a small garden behind. The garage is attached to 17-19 Bermans Way, which is a 2-storey, detached building split into 2 flats. The other side of the appeal site is flanked by a large 3- to 4- storey apartment block, which is separated from the site by a narrow path.
8. The wider street scene is dominated by semi-detached houses and apartment blocks. These form part of a large estate and are therefore of similar design and finish. In particular, the windows are large and uniformly spaced along the street and the roofs of the houses are hipped, with a distinctive curved shape towards the eaves. The regularity of the storey heights is given emphasis by either a brick band or white line across the entire width of the buildings, passing above and below every window. The front doors are typically at the same elevation as each other and accessed via a short flight of steps with a small porch above. These characteristics contribute positively to the appearance of the area.
9. The host building is unusual in having the appearance of a detached house and in having garages to both sides. The roof is a pyramid hip shape that is also not typical of the area. The host building does however match the surrounding houses and apartments in the style of fenestration, the treatment of the front entrance and the curved roof.
10. The proposed windows in the front elevation would be very small and would not follow the established, distinctive rhythm of fenestration along the street. The front door would be at ground level and therefore at a different elevation to those typically along the street. The proposal would be noticeably inconsistent with these positive characteristics and would cause harm to the appearance of the area.
11. The proposed eaves height and top of the roof would be between more than one storey, but less than 2 storeys high. This configuration is not seen anywhere else in the area. I acknowledge that the surrounding buildings are of different heights, but they all follow the same characteristic horizontal proportions. The development would disrupt the characteristic regular pattern of 2 or 3 storey dwellings, and I consider that this would be to an intrusive extent.
12. I note that permission has been granted to replace the double garage on the other side of the host house with a bungalow³, the height of which would also be inconsistent with the surrounding pattern and this is material. The setting of the bungalow would be different because it would be detached, in a larger plot and would not have a building immediately adjacent, which would potentially reduce the noticeability of difference in height. For these reasons, I give limited weight to the fact that there may be another building of inconsistent height nearby in the future.
13. The rear of the host building includes additional doors and a staircase and is therefore not as regular in appearance as the front elevation. It is not visible from the public domain and to some extent is obscured by trees, landscaping

³ 19/1201

- when viewed from the rear of other properties. For these reasons, I do not consider that the inconsistency in design with the host house and wider area would cause harm the character and appearance of the area at the rear.
14. The proposal would maintain the curved roof. Although it would have a small crown, it would have the appearance of a hipped roof when viewed from the front and the side would not be easily visible given its orientation and proximity to the apartment block. In appearance this would be consistent with other houses in the area, and I do not find that not matching the roof design of the host house or having a small, discrete crown, would be harmful.
 15. The surrounding dwelling houses follow a consistent, strong building line behind short gardens along most of the street. As the development would be a new house rather than an extension, I am satisfied that the position of the building along this line would be consistent with the character and appearance of the area.
 16. The appellant contends that this proposal is similar to the bungalow that has been deemed acceptable on the other side of the host house. For the reasons given above, I am not clear that this is comparable or sets any form of precedent. Several other permissions in the area have been listed by the appellant, but no further information regarding their location or the context of these decisions has been provided on which to base a comparison.
 17. There would be benefit from an additional dwelling to the housing supply, which is of modest weight in the planning balance given that this is a single dwelling. The driveway would become a garden, which would improve the appearance of the area, although the benefit of this is small given the diminutive size of the plot. I am also mindful that the appeal site would potentially constitute redevelopment of brownfield land and windfall development, for which there is support in the London Plan (2021), although this too is limited by the small size of the plot. Taken together, these benefits would be insufficient to outweigh the harm to the character and appearance of the area.
 18. I have also taken into consideration that the rather run down garage would be replaced. However, maintenance of the garage could occur at any time and I do not consider that it is so deficient in appearance that there would be significant benefit from its removal.
 19. I am unable to assess how this proposal compares to either the previously approved or refused schemes because I have no detailed information on either.
 20. Although I have not found harm to the character and appearance of the area from the design of the proposed roof, the layout or to the rear of the property, I conclude that there would be harm from interruption of the distinctive pattern of fenestration, treatment of the front entrance and the irregular eaves and roof height.
 21. Policy DMP 17 of the Core Strategy⁴ (2010) states that the distinctive suburban character should be protected and Local Plan⁵ Policy DMP1 requires that scale, materials, detailing, and design complement the local. For the reasons above, I conclude that the proposal conflicts with these requirements. I have noted

⁴ London Borough of Brent Local Development Framework ;core Strategy (July 2010)

⁵ London Borough of Brent Local Plan: Development Management Policies (November 2016)

reference to Supplementary Planning Documents, but specific guidance in these has not been brought to my attention, so I have based my decision on the local policies.

22. I conclude that the proposal would conflict with the local development plan when read as a whole. There are no other considerations that would lead me to determine other than in accordance with this and the appeal should therefore be dismissed.

B Davies

INSPECTOR