



Appeal Decision

Site visit made on 25 November 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/T5150/W/21/3278718

64 Braemar Avenue, London NW10 0DL

- 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 Michael Cummings against the decision of Brent Council.
 - The application Ref 21/1561, dated 26 April 2021, was refused by notice dated 23 June 2021.
 - The development proposed is the retention of canopy flat roofs and formation of garden room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the host dwelling and surrounding area; and flood risk.

Procedural Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material factor, in this instance the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. While the description of development in the application form refers to the retention of canopy flat roofs, no such canopy roofs were in place at the time of my site visit. The proposal was however partially constructed at the time of this visit and I have dealt with the appeal on this basis.
5. My attention has been drawn to emerging Policy BSUI3. While the Council's Draft Local Plan has been subject to examination and is at an advanced stage it does not form part of the development plan. I therefore attach limited weight to emerging Policy BSUI3.

Reasons

Character and Appearance

6. The appeal site comprises a ground floor mid terrace property on Braemar Avenue. The surrounding area is residential in nature, made up of dwellings that share a similar style and form along the front elevation. Various additions

and alterations have been made to the rear of the properties in the vicinity of the site, such that there is little consistency along these elevations.

7. The parties agree that the rear extension element of the proposal would comply with the provisions of the Residential Extensions and Alterations SPD2, January 2018 (the SPD) and would be acceptable in terms of its effect on the character and appearance of the host property and the surrounding area. From my observations I have no reason to disagree with this.
8. The proposal would also involve the erection of a rear canopy. While this would increase the projection of the property to the rear this would be modest. Due to its dimensions, it would read as subservient to the property, and its open nature would ensure that it would not appear as a dominant feature at the site. As such, the canopy, by reason of its scale and positioning, would not upset the overall character or proportions of the dwelling.
9. The canopy would not be readily visible from Braemar Avenue but would still be experienced alongside the rear elevations of nearby properties on the street. While it is acknowledged that such canopies are not a common feature, against the varied backdrop of these rear elevations, with the different extensions and alterations present, the presence of the proposed canopy would not read as out of place. Its scale and positioning would not be so obtrusive as to cause significant harm to the surrounding character.
10. The Council states the canopy would be constructed from a timber frame and felt roof, which would have an adverse effect on the character of the property. I have no further information before me on the materials from which the canopy would be constructed, and this was not immediately evident from my visit. Nevertheless, I consider that a timber frame and felt roof for a modest structure of this type would not unduly detract from the character of the property in context. It would retain an overall lightweight and open feel that would not cause significant harm. Had the proposal been acceptable in all other aspects this issue could have been addressed by way of condition.
11. For the reasons given above I find that the canopy element of the development would not have a significant adverse effect on the character and appearance of the host dwelling and the surrounding area. As such, it would accord with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies, November 2016 and the SPD, which seek to ensure good design.

Flood Risk

12. There is disagreement between the parties as to whether the appeal site lies within Flood Zone 2 or 3. Nonetheless, the Framework states that a site-specific flood risk assessment should be provided for all development in both Flood Zones 2 and 3.
13. The proposal would be in a raised position on the rear patio area, matching the level of the host dwelling, and would overall be of a modest scale. However, as no flood risk assessment has been provided it has not been adequately demonstrated that the proposal would not increase the risk of flooding or be vulnerable to flooding, either in its entirety or as severable elements. While no such assessment was requested by the Council it remains that this is a requirement of the Framework.

14. For the reasons given above I find that the proposal fails to comply with Policy 9A of the London Borough of Brent Local Plan Development Management Policies, November 2016 and the Framework, which together seek to ensure that development does not increase the risk of flooding.

Conclusion

15. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR