



Appeal Decision

Site visit made on 1 February 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/T5150/D/21/3277421

11 Hayland Close, London NW9 0LH

- 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 Mrs Alina Hartov against the decision of the London Borough of Brent Council.
 - The application Ref 21/1026, dated 19 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is "conversion of the loft, including the construction of 2 x rear small dormers, plus 2 x rear facing small conservation style velux roof windows; plus 4 x further conservation style Velux roof windows to the front and side-facing roofs (also repartitioning of first-floor room to create a new ensuite)"
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Decision

1. The appeal is allowed and planning permission is granted for a proposed loft conversion with 2x rear dormer windows, new window to first-floor rear and installation of 4x front and 2x rear rooflights to dwellinghouse at 11 Hayland Close, London NW9 0LH in accordance with the terms of the application, Ref 21/1026, dated 19 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01_A, 02_A, 03_A, 04_A, 05_A, 50_A, 51_A, 52_A, 53_A, 54_A, 55_A.

Preliminary Matters

2. The description of development was amended by the Council to read "proposed loft conversion with 2x rear dormer windows, new window to first-floor rear and installation of 4x front and 2x rear rooflights to dwellinghouse" which more succinctly describes the works proposed. The amended description was used by the appellant on the appeal form and I have determined the appeal on the basis of this amended description.
3. I have observed that there are differences between the existing roof slopes and those which are shown on the existing drawings. This relates to the scale of the rear gable features which sit at the eaves level which in reality are taller than those shown on the drawings. While the appellant's statement refers to a new set of proposed drawings, these have not been submitted, only hand annotated amendments. However, given the limited scale of the discrepancy I do not consider this would prevent my assessment of the appeal scheme.

4. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.

Main Issue

5. The main issue is whether the development proposed would preserve or enhance the character or appearance of the Buck Lane Conservation Area.

Reasons

6. The Buck Lane Conservation Area is characterised by predominately residential development comprising unusual designs, materials and groupings of buildings by Ernest Trobridge which define the significance of the designated heritage asset. The appeal property is a later post-war infill development. Haylands Close comprises properties with varying roofshapes which are largely unaltered with the exception of the two properties neighbouring the appeal site.
7. The proposed rear dormer extensions would be visible from the windows of some neighbouring properties at oblique angles, but would not be visible from any surrounding public view points. By reason of their scale and position on the rear roofslope, the dormers would allow a significant proportion of the existing rear roofslope to remain and would appear as subordinate additions that would not detract from the appreciation of the original roof form. This would be the case even with existing rear gable features being slightly taller than shown on the supporting plans.
8. The proposed rooflights are shown to be conservation style which would sit flush within the roof slopes and would not therefore alter the overall shape of the existing roof. To the rear the proposed rooflights would sit unobtrusively between the dormer windows and would have little visual impact. To the front, the proposed rooflights would be likely to experience some visibility from the street, however this would be limited due to the set back of the property from the street, its corner position and the screening afforded by trees in the neighbouring front garden, which I understand to be protected. Furthermore, while rooflights are not a common feature within the front roof slopes of the street, the appeal property appears visually distinct and the roof slopes are sufficiently varied that the proposed alterations would not appear incongruous.
9. Overall, in light of these factors the proposals would adequately respect the roof form and architecture of the existing property and the significance of the heritage asset. Accordingly, the proposal would preserve the character and appearance of the Buck Lane Conservation Area. The proposals comply with policies DMP1 and DMP7 of the Brent Development Management Policies 2016 which require among other things, that development is of high quality design and conserves or enhances the significance of heritage assets.

Other Matters

10. I note the concerns of nearby residents regarding privacy from the rooflights. However, given the rooflights would provide secondary sources of light and outlook to bedrooms and non-habitable spaces, I consider there would be no harm to the living conditions of the occupiers of the neighbouring dwellings. Matters relating to other works to the property, including works to existing

doors and windows at the first floor level, would fall outside the scope of this appeal.

Conditions

11. I have imposed a condition requiring compliance with the supporting plans to provide certainty for all parties. I have considered the additional condition recommended by the Council against the tests of the Framework and Planning Practice Guidance. As the rooflights are annotated on the supporting plans as being conservation style, and shown as flush, I do not consider a condition restricting their projection would meet the test of necessity.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

C Shearing

INSPECTOR