



Appeal Decision

Site visit made on 26 October 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/T5150/W/21/3277727

Rear of 9 Connaught Road, London NW10 9AJ

- 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 43 Richmond Road Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/1266, dated 6 April 2021, was refused by notice dated 2 June 2021.
 - The development proposed is the demolition of existing garage and erection of 1x single storey dwellinghouse, new boundary treatment, associated cycle and waste storage and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development used in the banner heading above is taken from the appeal form and the decision notice. I have used it in preference to the wording used on the original planning application form, as it provides a more complete description of the proposed development.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. During the appeal both main parties were able to comment on the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a plot of land containing a shed and an area of hardstanding, on the north side of Acton Lane a short distance west of Harlesden Town Centre. It lies at the rear of, and was once associated with, 9 Connaught Road, a large property which was originally a single house subsequently converted into nine flats.
6. Because of the southwards slope of the land, the appeal site is at a slightly lower level (around 2.5m, by the appellant's calculation) than No 9 Connaught Road, from which it is separated by a timber panel fence above a retaining

- wall. There is a solid timber board fence to the Acton Lane frontage, with a double set of metal mesh gates providing site access.
7. There are no other plots accessed from the north side of Acton Road for some way in either direction. To the west, a high timber fence marks the end of the rear gardens of Nos 11 to 15 Connaught Road until a built frontage resumes at No 52 Acton Road – although the submitted Design & Access Statement (“the DAS”) refers to (and includes images of) advertisement hoardings along this part of the road, these had been removed by the time of my site visit. To the east there is a low wall and high hedge marking the rear boundary of Gibraltar House, a four-storey block of flats marking the entrance to Connaught Road from Acton Lane. On the south side of Acton Road, opposite the appeal site, are (mainly) two-storey dwellings with reasonably deep front gardens or forecourts. Moving further along Acton Lane in either direction, the pattern of development changes fairly quickly; however, the appeal site’s immediate surroundings are spacious and suburban in character and appearance.
 8. The proposed development is the replacement of the shed and hardstanding on the appeal site, and the erection of an L-shaped one-bedroom bungalow. This would be sited towards the northern edge of the plot, closest to the rear of No 9 Connaught Road. The dwelling would be set into the sloping land, with a green roof, described as a “wildflower meadow”; this would be gently pitched towards the front and rear of the site. The fence to Acton Lane would be replaced, and a new matching timber entrance gate would added, with entryphone, letterbox and house number indicating the presence of the dwelling.
 9. The appellant considers that the low roofline, which at the Acton Lane end of the site would be at about the same height as the boundary fence, and the setting of the dwelling into the slope mean that it would not be apparent as development at all. I accept that the height of the fence would mean that the structure of the proposed dwelling would not be visible from the footways on either side of Acton Lane. However, the submitted drawings show that even at the rear of the plot something approaching half of the height of the dwelling would be above ground level, with parts of the roof at a higher level than surrounding fences. I therefore do not accept the appellant’s description of the dwelling as being “effectively underground”, nor that the level of the roof would be “continuous with the land either side”.
 10. From the rear windows of the properties on Connaught Road (including Gibraltar House), and from the upper floors of the properties on the other side of Acton Lane, the mass of the dwelling rising above the ground would be very visible, and its relatively unusual form would draw the eye. Even assuming that the Council’s fears about the failure of the planting on the green roof did not come to pass, from these various surrounding viewpoints the proposed dwelling would be likely to have something of the appearance of a grassed-over bunker, squeezed into a restricted site. While the private outdoor amenity area would satisfy the minimum requirements in terms of the amount of space provided (and would provide acceptable living conditions), it would nonetheless be much smaller than other generous front and rear gardens in the immediate vicinity. The scheme would therefore be an incongruous development in the context of its spacious and suburban surroundings.

11. Although I have not been provided with full details of earlier proposals on the site, I recognise that the appellant has attempted to resolve issues identified in earlier appeal decisions¹, notably in reducing the scale of the development so that it would only be a single-storey dwelling and altering the relationship with Acton Lane. This was also acknowledged in the Council's officer report.
12. The Council considered that the proposed development would not be harmful to living conditions for the occupiers of neighbouring dwellings arising from overlooking, overshadowing, or a loss of daylight sunlight or outlook, and none of the evidence before me or what I saw on site leads me to a different view on these points. The replacement of the existing building on the site and the (in the appellant's word) "scruffy" gates and front fence would be a positive outcome of the scheme. Nevertheless, the development as a whole would still be at odds with the character of its surroundings, and the resulting harm would not be outweighed by these other factors.
13. I conclude that the proposal would represent a cramped and incongruous development, and as such it would be harmful to the character and appearance of the area. The proposal therefore conflicts with Policy CP17 of the 2010 Brent Core Strategy, Policy DMP1 of the 2016 Brent Development Management Local Plan, and Policy D4 of the London Plan 2021. Among other things, these policies together seek to ensure that development complements the locality, including in layout, scale and density, and that the suburban character of Brent is protected and enhanced.

Other Matter

14. The appellant has drawn my attention to communication with the Council's case officer while the planning application was being determined, which stated that the scheme was likely to be recommended for approval. In the light of this, I understand entirely the appellant's frustration that the planning application was ultimately refused, although of course the Council was within its rights to do this. However, I have considered the proposal before me on its own merits, and have found harm as described above.

Conclusion

15. The development would be harmful to the character and appearance of the area, and the proposal conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector

¹ PINS Refs: APP/T5150/W/19/3240483 and APP/T5150/W/20/3255922