



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: 24th February 2022

Appeal Ref: APP/T5150/W/21/3280823

23-25 Highfield Avenue, London, NW9 0PX

- 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 Saleem Mohammed against the decision of the London Borough of Brent.
 - The application Ref 21/0534, dated 16 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is "Creation of a terraced house with basement following demolition of attached garage to no23 and demolition of side extension to no25 Highfield Avenue."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refer to draft policies contained in the Brent Local Plan 2020. These policies are at an advanced stage as the plan has completed its examination and undergone modifications. I afford those policies significant weight.

Main Issues

3. The main issues are:
 - i) The effect of the development on the character and appearance of the area;
 - ii) The effect of the development on local parking and highway safety;
 - iii) Whether the development proposed would provide acceptable living conditions for future occupants, with particular regard to outlook, sunlight and daylight.

Reasons

Character and Appearance of the Area

4. The immediate area is characterised by semi-detached pairs of properties and groups of terraces of varying length. The widths of properties in the surrounding area and their front building lines are generally consistent, and the height of the properties is stepped in response to the gradient of the road.
5. Given the varied lengths of the terraced groups within this part of Highfield Avenue, I do not consider that the joining of the two terraces to create a longer terrace would cause harm to the street scene. However, the width of the

proposed house combined with its building line which would sit forward of 25 Highfield Avenue, would result in a development which would appear awkward and incongruous within the street scene, and would fail to respect the character and pattern of the surrounding development.

6. The proposed front lightwell would be visually prominent due to its proximity to the street and would draw attention to the presence of an additional level beneath the ground, which is not characteristic of development in this area. This would contribute to the building appearing at odds with the development around it and would be contrary to the aims of the Basement Supplementary Planning Document (SPD).
7. I find the development proposed would cause harm to the character and appearance of the area, contrary to policy DMP1 of the Brent Development Management Policies 2016, policy CP17 of the Brent Core Strategy 2010 and the principles set out in the Brent Design Guide 2018, insofar as they require high standards of design which complements the locality. There is also conflict with emerging policy DMP1 of the Local Plan 2020 which similarly requires development to include detailing and design that complements the locality.

Local Parking and Highway Safety

8. The existing situation provides one off street parking space for each house, 23 and 25 Highfield Avenue. No details have been provided of any proposed off street parking for either the new house or the remaining numbers 23 and 25, whose existing parking spaces would be lost as a result of the development. While it may be likely that numbers 23 and 25 could accommodate parking spaces in their front gardens, it has not been demonstrated that this could be satisfactorily achieved in compliance with the Council's other development plan policies. Similarly, the proposed lightwell in front of the new house would be likely to restrict the size of the space available for parking. In the absence of information to the contrary the proposals could result in all three houses becoming reliant on on-street parking.
9. Parking is generally unrestricted within Highfield Avenue and there were several spaces available for parking at the time of my site visit. However I note the concerns raised by local residents and that the Council has classified the road as being heavily parked following an overnight parking survey. The proposals would add to the existing demand for parking on the street and would be likely to result in conditions that are prejudicial to highway and pedestrian safety, in conflict with policy DMP12 which relates to parking standards.
10. I have noted the Highway Authority's suggestion that this could be dealt with by condition. However, given the circumstances of this case and the potential restriction that the proposed lightwell could impose on the ability to provide parking, I am not satisfied that the condition would meet the test of reasonableness in this instance.

Living Conditions of Future Occupants

11. The Council's concerns relate to the proposed basement level bedroom. This would be served by a relatively large window which would open into the front lightwell. As a result this bedroom would receive very limited outlook and would experience restricted sunlight and daylight due to its sunken level,

despite being south facing. However, this comprises one room within a much larger property which would be dual aspect and which would receive good standards of sunlight, daylight and outlook overall. The basement level would also receive good standards of natural lighting and ventilation through its rear doors which open to the garden level. While the conditions for the basement room shown to be a bedroom would be oppressive, I consider that overall the proposed development would deliver a good standard of living conditions for its occupiers. I have not identified harm in this respect nor found conflict with policy D6 of the London Plan, which provides detailed criteria for new homes, nor policy DMP1 of the Brent DMP.

Other Matters

12. I have had regard to the additional issues raised by third party surrounding the construction works, including construction traffic and noise disturbance. I note that the Council considers these matters could be addressed through the imposition of conditions were planning permission to be granted, and from my assessment I have no reason to disagree. Damage caused to property during construction would be a private matter between the parties involved.

Planning Balance and Conclusions

13. The proposals would cause harm to the character and appearance of the area and harm to highway safety through increased parking pressure. To these harms I attach significant weight. I find no harm in respect of the living conditions of future occupants, which is neutral in the planning balance and does not weigh in favour of the development.
14. The proposals would contribute to the supply of family homes in the Borough through the development of a small site, which is supported by policy H2 of the London Plan and the emerging London Plan Guidance: Good Quality Homes for all Londoners, which together acknowledge the contribution that small sites must make to new supply of homes in London. However both policy H2 and the emerging guidance emphasise the importance of such new homes being well-designed and responding to character and context, which, for the reasons given above, I do not consider is achieved by the appeal scheme.
15. I have had regard to the identified housing need in London and that the London Plan identifies the District Centre of Kingsbury, which is less than 1 mile to the west, as having high potential for residential growth. However, the new home proposed would only make a small contribution to the housing stock which limits the weight I afford to this benefit to moderate.
16. Overall I consider that the benefits provided by the development proposed, being the delivery of a new home, would not outweigh the harms which have been identified.

Conclusion

17. The development would be contrary to the development plan as a whole and this conflict is not outweighed by other material considerations in this instance. The appeal should therefore be dismissed.

C Shearing

INSPECTOR