



Appeal Decision

Site visit made on 22 February 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/T5150/W/21/3284181

954 Harrow Road, Wembley HA0 2PY

- 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 P Govind, Hira Construction D&B Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/1269, dated 1 April 2021, was refused by notice dated 20 September 2021.
 - The development proposed was originally described as 'erection of a self-contained split level detached dwelling with associated access, bins and cycle provision'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. It refers to a proposed 'split level detached dwelling'. However, the scheme was amended prior to determination of the application by the Council, including to propose a single-storey dwelling. This is reflected in the description of development stated on the Council's decision notice which refers to 'erection of dwellinghouse with associated new vehicular access, provision of car parking space, cycle and refuse storage and amenity space to rear of 954 Harrow Road'. I have determined the appeal on this basis.
3. The appeal submission includes a revised plan (ref ROHR954-05-1001 Rev A) which alters the red line boundary of the appeal site to include the existing building at 954 Harrow Road and areas of associated parking and amenity space to its front and rear. The appellant advises that the whole of the area included within this updated boundary is within their ownership. Be that as it may, the revised plan is intended to facilitate alterations to the layout and distribution of amenity space serving No 954. I can have no certainty that interested parties who may wish to comment in light of the amended site boundary and potential for alterations within the extended site would be aware of the revised plan, and I consider that there could as a result be prejudice to their interests if I were to consider the appeal having regard to this plan. Accordingly, I have determined the appeal on the basis of the plans that were before the Council at the time of its decision.
4. Since the appeal was submitted, the Brent Local Plan 2019-2041 (BLP) was adopted by the Council on 24 February 2022, and policies of the Core Strategy 2010 and Development Management Policies 2016 were superseded. The main parties were given the opportunity to make representations on any implications of the change in policy, and while neither have commented, I am therefore

satisfied that no party would be unfairly prejudiced by my determination of the appeal giving full weight to the policies of the BLP. I make no further reference to the now superseded parts of the development plan.

Main Issues

5. The main issues are the effect of the proposal on:
- i) the character and appearance of the area;
 - ii) the living conditions of the occupiers of 954 Harrow Road with particular regard to the provision of external amenity space; and
 - iii) the living conditions of the occupiers of 952 Harrow Road with particular regard to whether or not it would be overbearing.

Reasons

Character and Appearance

6. The appeal site is located to the rear of 954 Harrow Road, a detached building on the corner of Harrow Road and Church Gardens. St Andrews Church occupies the opposite corner of Church Gardens, but other buildings on this part of Harrow Road are predominantly detached or semi-detached dwellings of mostly similar scale and architectural designs with relatively long gardens of consistent depth to their rear. No 954 is occupied as flats, and is of greater height, width and depth than nearby dwellings. However, it is also on a wider plot which balances the larger scale of the building, and while there is greater variety in the layout, scale, form and use of buildings on Church Gardens, they are similarly afforded relatively generous settings. These factors contribute an attractive sense of spaciousness to the area overall.
7. The proposed dwelling would be single-storey, but I do not consider that this would be conspicuous or discordant given the assorted form and scale of buildings around the site, including a sizable single-storey wing to Tulsi House close to Church Gardens at the rear. I am further satisfied that the detailing and appearance of the dwelling would be generally sympathetic to the surrounding area, and that appropriate materials could be secured by way of a planning condition.
8. However, the proposal would result in a significant reduction in the depth of the plot to No 954, and the footprint of this building would occupy a considerable proportion of its retained plot. The plot to serve the proposed dwelling would also be of much lesser depth and overall size than is typical in the vicinity of the site. There would be a garden to the side of the dwelling, but separation to the boundaries with the garden to 952 Harrow Road and adjacent parking at Tulsi Court would be minimal. This would limit opportunities for provision of soft landscaping, and I find that the unusually tight relationship of the dwelling with its boundaries would deprive it of a proper setting. In combination with the smaller overall size of the plots to both the proposed dwelling and No 954 and the consequent degree of coverage by built form, the development would as a result appear cramped and squeezed onto the site.
9. While there would need to be boundary treatment of sufficient height to ensure privacy for the dwelling's garden, I see no reason that details of treatments to provide a more open frontage to the rest of the site could not be secured by a planning condition. This could ensure the dwelling had a suitable street presence, and provision of low-level railings and hedges as the appellant

suggests could also allow increased views from the street scene of soft landscaping in comparison to the existing site which is enclosed by fencing. Be that as it may, I have not been provided with firm evidence to demonstrate that the proposal could achieve an urban greening factor of 0.4 in accordance with the requirements of Policy BH4 of the BLP for minor development. I am accordingly unable to conclude that the proposal would make an appropriate contribution to the open, green quality which the BLP notes adds to the distinctiveness of the area.

10. The dwelling would be set back from Church Gardens, and I agree with the appellant that it would be generally subservient to buildings on Harrow Road. Even so, the development would be readily apparent in views including from Church Gardens where it would harmfully erode the generally spacious quality which adds to the distinctiveness of the area, and would stand out conspicuously against its surroundings as a consequence.
11. I note that the BLP, London Plan 2021 (LP) and the National Planning Policy Framework (the Framework) generally seek the efficient use of land and to boost the delivery of new housing, with a focus on accessible areas. The Framework also outlines that decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change (such as increased densities). However, these objectives are balanced and qualified alongside requirements seeking to ensure high quality design and development that respects and is sympathetic to local character. For the reasons set out above, I do not consider that the appeal proposal achieves those aims. The site is not within a priority location for small housing development under Policy BH4 of the BLP, and I do not find the general support within the Framework, LP and BLP for more efficient use of sites a sufficient justification for the harm that would be caused to the character and appearance of the area.
12. For these reasons, I find the proposal would cause unacceptable harm to the character and appearance of the area, and it would conflict with Policies BD1 and BH4 of the BLP. Amongst other things, these policies together broadly require high quality design which is sympathetic to existing local character.

Living Conditions – 954 Harrow Road

13. The Council advise that the plans approved when permission was granted for the flats at No 954 indicated 3 separate external amenity areas to the rear of the building; one for each of the ground floor flats and a communal space for the upper floor flats at the rear. The appellant does not dispute that the proposal would result in the loss of the communal amenity space for No 954.
14. In quantitative terms, the overall area that would be retained to the rear of No 954 would be sufficient to meet requirements under Policy BH13 of the BLP for the provision of external private amenity space to serve occupiers of the flats within this building. However, the remaining space is not within the boundary of the appeal site, and from the evidence before me, I am not satisfied that alterations to the approved layout to provide replacement communal space could be appropriately secured as part of the current development. As a consequence, I can have no certainty that occupiers of the upper floor flats at No 954 would benefit from access to outdoor amenity space on the site if the proposed development took place, resulting in detriment to their quality of life. I note the appellant's comments that the site is within

walking distance of a park, but this would not offer a substitute for space available for the exclusive enjoyment of occupiers of No 954 so as to satisfy needs for external private amenity space.

15. I therefore conclude on this main issue that the failure to maintain adequate external amenity space as sought by Policy BH13 of the BLP would cause unacceptable harm to the living conditions of the occupiers of the upper floor flats at 954 Harrow Road.

Living Conditions – 952 Harrow Road

16. Notwithstanding the appellant's comments, the proposed dwelling would be of much larger scale than outbuildings that I was able to observe to the rear of other nearby dwellings. It would be positioned very close to the boundary with No 952, and would extend for a significant depth along the rear part of the garden to this neighbour. While the development would be single-storey, its roof would project some way above the existing boundary fence, and in combination with the depth of the development this would result in an impression of considerable bulk when viewed from within the site of No 952.
17. I appreciate that the garden to No 952 is fairly large, but that does not mean that the rear part is of no value to the neighbouring occupiers. The proposal would conflict with guidance within the Brent Design Guide Supplementary Planning Document 1 2018 which outlines that development adjoining private amenity/garden areas should normally be set below a line of 45 degrees at the garden edge, measured from a height of 2m. This guidance is intended to protect the amenity of existing residents, and in my judgement, the combined height, depth and bulk of the dwelling in such close proximity to the garden of No 952 would be visually dominant and would result in an unacceptable overbearing and enclosing effect on this space.
18. The evidence before me does not indicate that the proposal would cause harmful overshadowing or loss of outlook from windows to the rear of No 952, but these factors do not outweigh or mitigate the overbearing effect of the development on the neighbouring garden. I therefore conclude on this main issue that the proposal would result in an overbearing effect which would cause unacceptable harm to the living conditions of the occupiers of 952 Harrow Road. The development would therefore conflict with Policy DMP1 of the BLP which requires, amongst other things, that development provides high levels of amenity and complements the locality.

Other Matters

19. St Andrews Church is a Grade II Listed Building. I have therefore had special regard to the desirability of preserving this building, its setting or any features of special architectural or historic interest that it possesses in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appeal site is within the setting of the listed building, but it seems to me that the contribution that this part of the wider setting makes to the significance of the church is limited given the contrasting residential development to this side of Church Gardens. The development would be seen in the context of adjacent residential development, and having regard to the single-storey scale of the dwelling and its design, I am satisfied that the proposal would preserve the setting and significance of the listed building. However, the absence of harm weighs neither for nor against the proposal.

20. The appellant is disappointed that they were not provided an opportunity to address the Council's concerns in relation to the provision of amenity space, but this is not a factor which alters my consideration of the planning merits of the proposal. I also note pre application advice given by the Council. However, I must consider the appeal scheme on its own merits, and I have made my own assessment as to its impacts.

Planning Balance

21. The proposal would make effective use of the site to deliver an additional dwelling within an existing built-up area with access to local services and public transport. It would accord with the Framework which identifies an objective to significantly boost the supply of housing, and which indicates that development of windfall sites should be supported, giving great weight to the benefits of using suitable sites within existing settlements for homes. In addition, both the Framework and the LP highlight the importance of small and medium sized sites such as the appeal site in meeting housing requirements. However, the contribution made to the mix and supply of housing overall and consequently the extent of the benefit would be limited by the small scale of the proposal.
22. In my judgement, the modest benefits of the proposal would not be sufficient to outweigh the harm to the character and appearance of the area and to the living conditions of the occupiers of Nos 952 and 954, nor the resulting conflict with the development plan.

Conclusion

23. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR